

# Washington State Register

AUGUST 1, 1984

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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

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## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

### 2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined matter is new matter;
  - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

### 4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [ ].

### 7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1984

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates<sup>1</sup></u>			<u>Distribution Date</u>	<u>First Agency Action Date<sup>3</sup></u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<u>For Inclusion in—</u>	<u>File no later than—</u>			<u>Count 20 days from—</u>	<u>For hearing/adoption on or after</u>
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84-02	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 18	Feb 7
84-03	Dec 21, 1983	Jan 4, 1984	Jan 18	Feb 1	Feb 21
84-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 6
84-05	Jan 25	Feb 8	Feb 22	Mar 7	Mar 27
84-06	Feb 8	Feb 22	Mar 7	Mar 21	Apr 10
84-07	Feb 22	Mar 7	Mar 21	Apr 4	Apr 24
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84-11	Apr 25	May 9	May 23	Jun 6	Jun 26
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84-16	*Jul 3	Jul 18	Aug 1	Aug 15	Sep 4
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84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

\*Dates adjusted to accomodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

<sup>1</sup>All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

**WSR 84-15-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-65—Filed July 5, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable quantities of sockeye salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 5, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-57A-17500I LAKE WASHINGTON.** Notwithstanding the provisions of WAC 220-57A-175, effective 4:30 a.m. July 7, through 12:00 noon, July 20, 1984, it is lawful to take, fish for and possess salmon, including sockeye salmon, for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge under bag limit A. Waters within a 1000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

**WSR 84-15-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 84-31—Filed July 5, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Ecology Headquarters, St. Martin's College Campus, Lacey, Washington, the annexed rules relating to NPDES delegation, repealing WAC 173-06-065.

I, Donald W. Moos, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to

present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the rule was originally promulgated to prevent a conflict of interest which no longer exists.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.21A-.090 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 5, 1984.

By Donald W. Moos  
Director

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 173-06-065 NPDES Delegation**

**WSR 84-15-003**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 84-15]

**AMENDING EO 84-13**

Executive Order EO 84-13, regarding a plan for combined employee charitable contribution collection, is amended such that it will not take effect until September 1, 1985, insofar as the Order calls for implementation of a single combined fund drive for all state agencies. All other provisions of the Executive Order shall remain in full force and effect.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order that:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 2d day of July, A.D., nineteen hundred and eighty-four.

John Spellman

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Governor of Washington

**BY THE GOVERNOR:**

Ralph Munro

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Secretary of State

**WSR 84-15-004**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Filed July 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning schedule of per capita cost, amending WAC 275-20-030.

It is the intention of the secretary to adopt these rules on an emergency basis on or about July 9, 1984;

that the agency will at 10:00 a.m., Wednesday, August 22, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1984.

The authority under which these rules are proposed is RCW 72.33.660.

The specific statute these rules are intended to implement is chapter 200, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 8, 1984. The meeting site is in a location which is barrier free.

Dated: July 6, 1984

By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Re: Amending WAC 275-20-030.

Purpose of the Rule Change: To uniformly establish charges for public and private clients in state run DDD facilities.

The Reason These Rules are Necessary: Changes in legislation passed by the 48th legislature, regular session, as Substitute Senate Bill No. 4708, and as signed by the governor.

Statutory Authority: RCW 72.33.660.

Summary of the Rule Change: Prescribes that private charges will be established at the same level as TXIX rates are established for public clients.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Frank Sanborn, Manager,

Fiscal and Budget Section, Division of Developmental Disabilities, Mailstop: OB 42C, Telephone: 753-3906.

These rules are not necessary as a result of federal law, federal court action or state court action.

Economic Impact on Small Businesses: None.

**AMENDATORY SECTION** (Amending Order 2018, filed 8/31/83)

WAC 275-20-030 SCHEDULE OF PER CAPITA COST. Resident charges will be ((collected on the basis of the following:

	Per Capita Daily Rate
Lakeland Village	\$118.89
Rainer School	\$117.03
Yakima Valley School	\$ 96.94
Fircrest School	\$113.25
Interlake School	\$104.68
Frances Haddon Morgan	\$117.19))
<u>established in accordance with the methodology promulgated under chapter 275-38 WAC.</u>	

**WSR 84-15-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Order 2118—Filed July 6, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of per capita cost, amending WAC 275-20-030.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement chapter 200, Laws of 1984.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 72.33.660 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 6, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 2018, filed 8/31/83)

WAC 275-20-030 SCHEDULE OF PER CAPITA COST. Resident charges will be ((collected on the basis of the following:

	<i>Per Capita Daily Rate</i>
Lakeland Village	\$118.89
Rainier School	\$117.03
Yakima Valley School	\$ 96.94
Fircrest School	\$113.25
Interlake School	\$104.68
Frances Haddon Morgan	\$117.19))
<i>established in accordance with the methodology promulgated under chapter 275-38 WAC.</i>	

**WSR 84-15-006  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**  
[Order 2119—Filed July 6, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizenship and alienage, amending WAC 388-26-120.

This action is taken pursuant to Notice No. WSR 84-11-005 filed with the code reviser on May 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 3, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1908, filed 11/17/82)

**WAC 388-26-120 CITIZENSHIP AND ALIENAGE.** To be eligible for AFDC or continuing general assistance a resident shall be either:

(1) A citizen; or  
(2) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7), Section 207(c), Section 208, or Section 212(d)(5) of the Immigration and Nationality Act); or

(3) A Canadian Indian (a North American Indian born in Canada) is to be considered the same as a U.S. citizen if:

(a) He or she has at least fifty percent Indian blood or  
(b) Has less than fifty percent Indian blood and entered the U.S. prior to December 24, 1952, and has maintained residence since entry.

**WSR 84-15-007  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)**  
[Order 2120—Filed July 6, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to advertising, repealing WAC 248-14-050.

This action is taken pursuant to Notice No. WSR 84-11-036 filed with the code reviser on May 15, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.51.070 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 18.51 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 3, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

**WAC 248-14-050 ADVERTISING.**

**WSR 84-15-008  
ADOPTED RULES  
DEPARTMENT OF FISHERIES**  
[Order 84-66—Filed July 6, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 84-11-097 filed with the code reviser on May 23, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 5, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**AMENDATORY SECTION** (Amending Order 82-63, filed 6/11/82)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (({+})) (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge (({at} {to})) at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis light, located 123 feet above mean high water at Westport, through ((lighted buoy 13 to where it intersects with the shore at)) the Coast Guard look out tower to the shore near Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in

Aberdeen and westerly (downstream) of the Highway 105 Bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285° true to the Island Sands light approximately 2 miles south of Riddle Spit light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the ((outermost tip of Johnson Point to a fishing boundary marker on)) north shore of the Willapa ((River's)) River through Willapa River light number 33 to the south ((bank)) shore, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary ((lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank)) easterly of Area 2G and downstream from a line projected true north ((across the river)) from ((a fishing boundary marker on)) the ((section line between Section 27 and 28, Township 14N, Range 9W)) Standard Oil dock in South Bend to the opposite shore of the Willapa River.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly and westerly of a line projected from Diamond Point to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge..

(11) Area 2M shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

(12) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(13) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(14) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS.** It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor fishing areas except during the seasons provided for hereinafter in each respective fishing area:

##### Area 2A

((6:00 p.m. October 2 to 6:00 p.m. October 7, 1983)) Closed during 1984 season.

##### Area((s)) 2B((,-2C and -2D)) –

6:00 p.m. July 5 to 6:00 p.m. August 15, ((+1983)) 1984, in those waters east of a line drawn true north-south through lighted pil-  
ing Number 16 (F1.R.4 sec. 15 ft.) on Whitcomb Flats.

((6:00 p.m.)) 8:00 a.m. October ((2)) 28 to ((6:00)) 8:00 p.m. October ((7)) 28, ((+1983)) 1984, except that it is unlawful to fail to submit to a hold inspection before beginning to fish and upon completion of fishing in the waters of the Westport Boat Basin on October 28, 1984.

##### Areas 2C and 2D –

6:00 p.m. July 5 to 6:00 p.m. August 15, 1984.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS.** It is unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor fishing areas:

##### Area 2A

((6:00 p.m. October 2 to 6:00 p.m. October 7, 1983. Open continuously)) Closed during 1984 season.

##### Areas 2B, 2C and 2D

6:00 p.m. July 5 to 6:00 p.m. August 15, ((+1983)) 1984: Open continuously.  
((6:00 p.m.)) 8:00 a.m. October ((2)) 28 to ((6:00)) 8:00 p.m. October ((7)) 28, ((+1983)) 1984: Open continuously.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR.** (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor fishing areas:

##### Areas ((2A,)) 2B, 2C and 2D

For the period ((October 2)) July 5 to ((October 7, 1983)) August 15, 1984: ((5)) 8-inch minimum ((and 6-1/2-inch maxi-  
mum)) mesh.

(2) It is unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS.** It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor fishing areas, except during the seasons provided for hereinafter in each respective fishing area:

**Area 2G ((inclusive))**—6:00 p.m. July 5 to 6:00 p.m. August 20((,)) in those waters east of a line from Toke Point to Goose Point and south of a line from Leadbetter Point to Goose Point; 6:00 p.m. ((October 17 to 6:00 p.m. October 18,)) September 23 to 6:00 p.m. October 14 in those waters west of a line drawn true north and south through Willapa River Channel Light 10 and north of a line drawn true east and west through Nahcotta Channel Light 10 and 6:00 p.m. September 30 to 6:00 p.m. October 14, in those waters east of a line drawn true north and south through Willapa River Channel Light 10 and south of a line drawn true east and west through Nahcotta Channel Light 10; 6:00 p.m. ((October 24 to 6:00 p.m. Oc-  
tober 25, and 6:00 p.m.)) November 1 to 11:59 p.m. November 30, ((+1983)) 1984.

((Area 2G west of a line drawn true north-south through Willapa River Light Number 13—6:00 p.m. September 13 to 6:00 p.m. Sep-  
tember 18, 6:00 p.m. September 19 to 6:00 p.m. September 24, 6:00 p.m. September 26 to 6:00 p.m. October 1, 6:00 p.m. October 3 to 6:00 p.m. October 8, 1983.))

Area 2H—((6:00 p.m. October 17 to 6:00 p.m. October 18, 6:00 p.m. October 24 to 6:00 p.m. October 25, and)) 6:00 p.m. November 1 to 11:59 p.m. November 30, ((1983)) 1984.

Areas 2J and 2K—6:00 p.m. July 5 to 6:00 p.m. August 20((;)); 6:00 p.m. September ((+3)) 28 to 6:00 p.m. ((September 14, 6:00 p.m. September 16 to 6:00 p.m. September 17, 6:00 p.m. September 19 to 6:00 p.m. September 20, 6:00 p.m. September 22 to 6:00 p.m. September 23, 6:00 p.m. September 26 to 6:00 p.m. September 27, 6:00 p.m. September 29 to 6:00 p.m. September 30, 6:00 p.m.)) October ((3-to)) 14; or 6:00 p.m. September 30 to 6:00 p.m. October ((4, 6:00 p.m. October 6 to 6:00 p.m. October 7, 6:00 p.m. October 17 to 6:00 p.m. October 18, 6:00 p.m. October 24 to 6:00 p.m. October 25 and)) 14; 6:00 p.m. November 1 to 11:59 p.m. November 30, ((1983)) 1984.

Area 2M—6:00 p.m. July 5 to 6:00 p.m. July 31((, 6:00 p.m. September 13 to 6:00 p.m. September 18, 6:00 p.m. September 19 to 6:00 p.m. September 24, 6:00 p.m. September 26 to 6:00 p.m. October 1, 6:00 p.m. October 3 to 6:00 p.m. October 8, 6:00 p.m. October 17 to 6:00 p.m. October 18, 6:00 p.m. October 24 to 6:00 p.m. October 25, and)); 6:00 p.m. November 1 to 11:59 p.m. November 30, ((1983)) 1984.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS.** It is unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor fishing areas:

((Area 2G inclusive  
July 5, 6:00 p.m. to August 20, 1983, 6:00 p.m.—Open continuously.  
October 17 to October 25, 1983—6:00 p.m. Monday to 6:00 p.m. Tuesday.  
November 1, 6:00 p.m. to 11:59 p.m. November 30, 1983—Open continuously.

Area 2G west of a line drawn true north-south through Willapa River Light Number 13—September 13 to September 18, 1983—6:00 p.m. Tuesday to 6:00 p.m. Sunday.  
September 19 to October 8, 1983—6:00 p.m. Monday to 6:00 p.m. Saturday.

Area 2H  
October 17 to October 25, 1983—6:00 p.m. Monday to 6:00 p.m. Tuesday.  
November 1, 6:00 p.m. to 11:59 p.m. November 30, 1983—Open continuously.

#### Areas 2J and 2K

July 5, 6:00 p.m. to August 20, 1983, 6:00 p.m.—Open continuously.  
September 13 to September 17, 1983—6:00 p.m. Tuesday to 6:00 p.m. Wednesday and 6:00 p.m. Friday to 6:00 p.m. Saturday.  
September 19 to October 7, 1983—6:00 p.m. Monday to 6:00 p.m. Tuesday and 6:00 p.m. Thursday to 6:00 p.m. Friday.  
October 17 to October 25, 1983—6:00 p.m. Monday to 6:00 p.m. Tuesday.  
November 1, 6:00 p.m. to 11:59 p.m. November 30, 1983—Open continuously.

#### Area 2M

July 5, 6:00 p.m. to 6:00 p.m. July 31, 1983—Open continuously.  
September 13 to September 18, 1983—6:00 p.m. Tuesday to 6:00 p.m. Sunday.  
September 19 to October 8, 1983—6:00 p.m. Monday to 6:00 p.m. Saturday.  
October 17 to October 25, 1983—6:00 p.m. Monday to 6:00 p.m. Tuesday.  
November 1, 6:00 p.m. to 11:59 p.m. November 30, 1983)) All Areas—Open continuously.

#### AMENDATORY SECTION (Amending Order 83-53, filed 6/15/83)

**WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR.** (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor fishing areas:

Areas 2G, 2H, 2J, 2K, and 2M  
For the period ((September 13)) July 5 to ((October 25, 1983)) August 20, 1984: ((5))8-inch minimum ((to 6-1/2-inch maximum)) mesh.  
For the period September 23, to October 14, 1984: 5-inch minimum to 6-1/2 inch maximum mesh.  
For the period 12:01 a.m. November 19 to 11:59 p.m. November 30, ((1983)) 1984: 7-1/2-inch minimum mesh.

(2) It is unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

#### AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-40-030 SEASONS AND LAWFUL GEAR—OTHER VARIETIES.** (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3).

(2) It shall be lawful to take, fish for and possess sturgeon for commercial purposes in Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2J, and bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gears.

(3)(a) June 1 through October 31 – It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length or contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 – Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes sturgeon and species of bottomfish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Willapa Harbor Management and Catch Reporting Areas 2G, 2H, 2J, ((and)) 2K, and 2M. Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

**WSR 84-15-009  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 84-67—Filed July 6, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6,

6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10, 10A, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 10C provide protection for Lake Washington sockeye while allowing treaty Indian commercial fishery on the harvestable surplus. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for Baker River sockeye. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 6, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-28-407 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective July 8, 1984, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6B, 9 – Closed to all commercial fishing.**

**Area 6D – Closed to all commercial fishing.**

**Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.**

**Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.**

**\*Skagit River – (1) Mouth to Baker River – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye,**

*when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.*

*Areas 10, 10A – Gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.*

*\*Area 10C – (1) Closed to all commercial fishing except from 10 PM July 10 to 2 AM July 11, gill nets restricted to 4-1/2-inch minimum mesh, when open. (2) That portion within 1,000 feet of the mouth of the Cedar River remains closed to all commercial fishing.*

*\*Areas 10D, 10F, and 10G – Closed to all commercial fishing.*

*Area 13A – Effective through July 31, closed to all commercial fishing.*

*Nooksack River – (1) Marietta Bridge to confluence of north and south forks – Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence – closed to all commercial fishing.*

*Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, and Minter Creek – Closed to all commercial fishing.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective July 8, 1984.*

#### **WAC 220-28-406 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-64)**

#### **WSR 84-15-010**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 84-68—Filed July 6, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sockeye salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 6, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-57-16000G COLUMBIA RIVER.** Notwithstanding the provisions of WAC 220-57-160, effective immediately it is lawful to retain up to six sockeye salmon not less than 10 inches in length nor more than 24 inches in length in the daily bag limit in those waters of the Columbia River:

(1) downstream from Rocky Reach Dam to the Highway 12 crossing at Pasco through August 31, 1984. Those waters defined as closed in subsection (1) of WAC 220-57-160 remain closed.

(2) downstream from the Interstate 5 Bridge to the Megler–Astoria Bridge through July 25, 1984.

All sockeye salmon less than 10 inches in length or more than 24 inches in length must be released immediately.

#### REPEALER

*The following section of the Washington Administrative Code is repealed:*

#### **WAC 220-57-16000F COLUMBIA RIVER. (84-60)**

#### **WSR 84-15-011**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **NATURAL RESOURCES**

[Order 411—Filed July 9, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing hazardous areas protected by the Department of Natural Resources which are closed to entry from midnight Monday, July 9, 1984, through midnight Sunday, October 6, 1984, WAC 332-26-020, 332-26-030, 332-26-040, 332-26-050 and 332-26-060.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the above described forest areas contain an abnormal concentration of forest fuels and because of the usual summer increase in drying conditions, are particularly exposed to fire danger.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 9, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

##### **WAC 332-26-020 OLYMPIC AREA CLOSURES. JEFFERSON COUNTY.**

*Jefferson County: Township 25 North, Range 12 West, Section 1; N3/4. Section 4; W3/4. Section 5; All. Section 6; All. Section 8; NE1/4, NE1/4 NW1/4. Township 26 North, Range 12 West, Section 24; All. Section 25; All. Section 26; W1/2 SE1/4. Section 31; All. Section 32; S1/2. Section 36; All. Township 25 North, Range 13 West, Section 1; N1/2. Section 2; N1/2, N1/2 SW1/4. Section 3; All. Section 4; All. Section 9; E1/2, N1/2 NW1/4. Section 10; N1/2. Township 26 North, Range 13 West, Section 24; SE1/4. Section 25; All. Section 26; NE1/4, S1/2. Section 34; E1/2. Section 35; All. Section 36; All.*

*When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notices of the hazardous area closure at the access points.*

*When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.*

*For protection of the above described areas against fire, the following rule will be enforced:*

*Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.*

*Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.*

*Effective from midnight, Monday July 9, 1984 to midnight, Saturday October 6, 1984.*

#### NEW SECTION

##### **WAC 332-26-030 NORTHEAST AREA CLOSURES. Stevens County.**

*Stevens county, Township 36 North, Range 42 East, Section 29; SW 1/4, Port. of S 1/2 NW 1/4, Section 30; E 1/2 SE 1/4, S 1/2 SW 1/4 SE 1/4, SE 1/4 NE 1/4, Section 31; E 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 SE 1/4 SE 1/4, Section 32 W 1/2. Township 35 North, Range 42 East, Section 5; Port. of W 1/2 NW 1/4, Section 6; NE 1/4 NE 1/4, NE 1/4 SE 1/4 NE 1/4. Township 35 North, Range 41 East, Section 2;*

*Port. of Lots 3,4,5,6,7,10. Township 36 North, Range 41 East, Section 26; Port. of NW 1/4 SE 1/4, Port. of SE 1/4 SE 1/4, SW 1/4 SE 1/4, Port. of NE 1/4 SW 1/4, Port. of SE 1/4 SW 1/4, Section 34; Port. of SE 1/4 SE 1/4, Section 35; Port. of NE 1/4 NW 1/4, Port. of SW 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, Port. of NE 1/4 NE 1/4, Port. of SE 1/4 NE 1/4, SW 1/4 NE 1/4, Port. of NW 1/4 SE 1/4, Port. of NE 1/4 SE 1/4, Port. of SE 1/4 SE 1/4, Port. of NW 1/4 SW 1/4, NE 1/4 SW 1/4, Port. of SE 1/4 SW 1/4, Port. of SW 1/4 SW 1/4.*

*When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.*

*When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.*

*For protection of the above described areas against fire, the following rule will be enforced:*

*Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.*

*Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.*

*Effective from midnight, Monday July 9, 1984 to midnight, Saturday October 6, 1984.*

#### NEW SECTION

##### **WAC 332-26-040 CENTRAL AREA CLOSURES. Lewis, Thurston, Pacific, and Grays Harbor Counties.**

*Lewis County: Township 12 North, Range 4 West, Section 7; S 1/2, S 1/2 N 1/2 Section 8; S 1/2 except NE 1/4 SE 1/4 Section 17; All except SE 1/4 SE 1/4 Section 18; All. Township 12 North, Range 5 West, Section 2; Part of SW 1/4 lying S of Stowe Creek; Section 10; E 1/2 E 1/2; Section 11; All; Section 12; All, Section 13; All, Section 14; Part of N 1/2 lying North of Browns Creek; Township 13 North, Range 3 East, Section 3; All, Section 5; W 1/2, NE 1/4, Section 6; E 1/2, Section 9; E 1/2 NE 1/4, SE 1/4, Section 11; West of the North Fork of the Tilton River, Section 13; West of the North Fork of the Tilton River, Section 15; All, Section 23; All, Township 14 North, Range 2 East, Section 12; All, Section 13; All, Section 24; All except SW 1/4, Township 14 North, Range 3 East, Section 1; All, Section 2; All, Section 3; E 1/2, Section 4 S 1/2, Section 5; All, Section 6; All, Section 7; All, Section 8; All, Section 11; E 1/2 E 1/2, Section 12; All except SE 1/4 SE 1/4, Section 13; All, Section 14; All, Section 15; All, Section 17; All, Section 18; All, Section 19; All, Section 20; SE 1/4, Section 21; S 1/2, Section 31; E 1/2 NE*

*1/4, SE 1/4, E 1/2 SW 1/4, Section 33; All, Township 14 North, Range 4 East, Section 6; All except SE 1/4, Section 7; NW 1/4, Township 14 North, Range 5 East, Section 18; S 1/2 N 1/2, SW 1/4, Section 19; All, Section 20; E 1/2 SE 1/4, Section 21; All, Section 22; All, Section 23; South of the 1 Road, Section 25; South of the 1 Road, Section 26; All, Section 27; All, Section 28; E 1/2, Section 34; N 1/2, SE 1/4, Section 35; All, Township 15 North, Range 3 East, Section 25; E 1/2, Section 31; All, Section 32; All, Section 34; E 1/2, Section 35; W 1/2, Township 15 North, Range 4 East, Section 30; All.*

*Thurston County: Township 15 North, Range 3 East, Section 24; Part lying Easterly of the Deschutes River, Township 15 North, Range 4 East, Section 19, All.*

*Pacific County: Township 11 North, Range 7 West, Section 1; SE 1/4, Section 3; S 1/2, Section 4; S 1/2, NW 1/4, Section 8; E 1/2, Section 9; All, Section 10; All, Section 12; E 1/2, Section 13; NE 1/4, Section 15; NW 1/4, N 1/2 NE 1/4, Township 11 North, Range 6 West, Section 3; N 1/2, Section 4; N 1/2, Section 5; N 1/2, SW 1/4, Section 7; All, Section 8; NW 1/4, Section 18; N 1/2 S 1/2, N 1/2, Township 12 North, Range 6 West, Section 27; SW 1/4, Section 28; S 1/2, Section 32; E 1/2, Section 33; All, Section 34; All, Section 35; All, 7800 Road is a corridor.*

*Grays Harbor County: Township 17 North, Range 6 West, Section 8; E 1/2 SE 1/4, Section 9; S 1/2 SE 1/4, W 1/2 SW 1/4, Section 15; E 1/2, SW 1/4 SW 1/4, E 1/2 NW 1/4, Section 16; NW 1/4 NE 1/4, E 1/2 SE 1/4, NW 1/4 NW 1/4, Section 17; E 1/2 NE 1/4, Section 18; SW 1/4 NW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4, N 1/2 SW 1/4, E 1/2 NW 1/4, Section 21; NE 1/4, N 1/2 SE 1/4, Section 22; NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, Section 23; N 1/2, N 1/2, SE 1/4, SW 1/4 SE 1/4, SW 1/4, Section 25; SW 1/4 SW 1/4, Section 26; S 1/2 SE 1/4, Section 27; S 1/2 SW 1/4, Section 28; SE 1/4 SE 1/4, Section 33; NE 1/4, E 1/2 NW 1/4, N 1/2 SE 1/4, Section 34; N 1/2 NW 1/4, NE 1/4, NE 1/4 SE 1/4, Section 35; SW 1/4, E 1/2 NE 1/4, NE 1/4 SE 1/4, Section 36; NW 1/4 NW 1/4, Township 17 North, Range 7 West, Section 13; NE 1/4, Township 18 North, Range 6 West, Section 10; SE 1/4 NE 1/4, E 1/2 SW 1/4, SE 1/4, Section 11; NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, NW 1/4, SE 1/4, Section 14; NW 1/4 SW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, S 1/2 NW 1/4, Section 15; E 1/2 NW 1/4, NE 1/4 SW 1/4, NE 1/4, Section 22; SE 1/4 NE 1/4, NE 1/4 SE 1/4, Section 23; N 1/2 SE 1/4, NE 1/4, W 1/2, Section 24; N 1/2 NW 1/4, NW 1/4 NE 1/4.*

*When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.*

*When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this*

*hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.*

*For protection of the above described areas against fire, the following rule will be enforced:*

*Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.*

*Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.*

*Effective from midnight, Monday July 9, 1984 to midnight, Saturday October 6, 1984.*

## NEW SECTION

**WAC 332-26-050 NORTHWEST AREA CLOSURES.** Whatcom, Skagit and Snohomish counties.

*Whatcom County: Township 40 North, Range 6 East, Section 23; SW 1/4, Township 37 North, Range 6 East, Section 33; All, Section 34; All, Section 35; SW 1/4, Township 37 North, Range 3 East, Section 33; Portions of the E 1/4, Section 34; W 1/2.*

*Skagit County: Township 36 North, Range 8 East, Section 17; SE 1/4 NW 1/4, E 1/2 E 1/2, S 1/2 SW 1/4, NE 1/4 SW 1/4, Section 18; All except SE 1/4 NE 1/4, NE 1/4 SE 1/4, Section 19; All, Section 20; All, Section 21; SW 1/4 NW 1/4, SW 1/4 SW 1/4 NE 1/4, Township 36 North, Range 7 East, Section 6; All except W 1/2 W 1/2, Section 17; SW 1/4 NW 1/4, Section 18; N 1/2, Township 36 North, Range 6 East, Section 2; W 1/2, Section 3; All, Section 4; E 1/2 SW 1/4, SE 1/4, Section 9; E 1/2 NW 1/4, NE 1/4, Section 10; N 1/2, Section 24; SE 1/4, Township 35 North, Range 9 East, Section 7; SE 1/4 NE 1/4, NE 1/4 SE 1/4, leave corridor along SW-MC-1400 Road; all others closed, Section 8; SW 1/4 NW 1/4, leave corridor along SW-MC-1400 Road; all others closed, Township 35 North, Range 8 East, Section 26; SE 1/4 NW 1/4, S 1/2, Section 27; S 1/2 NW 1/4, S 1/2, Section 28; All, Section 33; N 1/2, Section 34; All, Section 35; All.*

*Snohomish County, Township 32 North, Range 9 East, Section 5; SW 1/4 SW 1/4, Section 6; SE 1/4 SE 1/4, Section 10; NE 1/4 SW 1/4, SE 1/4 NW 1/4, Township 32 North, Range 7 East, Section 2; SE 1/4 SW 1/4, Section 23 SE 1/4 SE 1/4, SE 1/4 NE 1/4 North of Road, NW 1/4 NW 1/4, Section 24; SW 1/4 NW 1/4, S 1/2 SW 1/4, Section 25; N 1/2 N 1/2, Section 26; NE 1/4 NE 1/4, Township 32 North, Range 6 East, Section 25; W 1/2 SW 1/4, Section 26; N 1/2 SE 1/4, Township 31 North, Range 7 East, Section 21; W 1/2 SE 1/4, Section 27; S 1/2 SW 1/4, SW 1/4 SE 1/4, Section 28; NE 1/4 NE 1/4, S 1/2 SE 1/4, Section 29; W 1/2 SE 1/4, E 1/2 SW 1/4, NW 1/4 NE 1/4, Section 32; N 1/2 NE 1/4, Section 33; N 1/2 N 1/2, Section 34; NW 1/4, NW 1/4 SW 1/4, Section 36; W 1/2 NE 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4, Township 30 North, Range 7 East, Section 8; N 1/2 SE 1/4, SW 1/4 NE 1/4, Section 12; S 1/2 NW south of river, Section 16; NW 1/4 NW 1/4, Section 22; NE 1/4 NE 1/4, S 1/2 NW 1/4, W 1/2 SW 1/4, Section 23; NW 1/4 NW 1/4, NW 1/4 SW 1/4, Section 25; N 1/2*

*SW 1/4, N 1/2 NE 1/4, Section 26; SE 1/4, Section 27; SE 1/4 NW 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, Section 35; NE 1/4 NE 1/4, Township 28 North, Range 8 East, Section 22; Portions of the NE 1/4 lying north and east of the Kellogg Lake Road, Section 23; Portions of the NW 1/4, S 1/2 NE 1/4, NE 1/4 SW 1/4, SE 1/4 lying north and east of the Kellogg Lake Road.*

*When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.*

*When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.*

*For protection of the above described areas against fire, the following rule will be enforced:*

*Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.*

*Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.*

*Effective from midnight, Monday July 9, 1984 to midnight, Saturday October 6, 1984.*

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

#### **WAC 332-26-060 SOUTH PUGET SOUND AREA CLOSURES. King County.**

*King County, Township 20 North, Range 6 East, E 1/2 NE 1/4 NE 1/4 of Section 22. Township 21 North, Range 7 East, NW 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, W 1/2 W 1/2 E 1/2 SE 1/4 of Section 29. Township 21 North, Range 7 East, Part of NW 1/4 NE 1/4 lying South of Veazie-Cumberland Road, N 1/2 SW 1/4 NE 1/4 of Section 32.*

*When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.*

*When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.*

*For protection of the above described areas against fire, the following rule will be enforced:*

*Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.*

*Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.*

*Effective from midnight, Monday July 9, 1984 to midnight, Saturday October 6, 1984.*

#### **WSR 84-15-012 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)**

[Filed July 9, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning social services for families, children and adults, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., Wednesday, August 22, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1984.

The authority under which these rules are proposed is RCW 74.08.044.

The specific statute these rules are intended to implement is RCW 74.08.044.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 8, 1984. The meeting site is in a location which is barrier free.

Dated: July 6, 1984  
By: David A. Hogan, Director  
Division of Administration and Personnel

#### **STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Re: Amending WAC 388-15-552, 388-15-553, 388-15-554, 388-15-555, 388-15-562 and 388-15-568.  
The Purpose of the Rule Change: To amend rules related to participation and cost of care for residents of

adult family homes and congregate care facilities to be consistent with WAC 388-92-025.

**These Changes are Necessary:** To clarify eligibility and client participation issues to allow persons with incomes above SSI and GA-U standards, but less than the cost of CCF care to be eligible for congregate care and to prevent CAPS or COPE eligible participants from receiving regular CCF/AFH payment.

**Statutory Authority:** RCW 74.08.044.

**Summary of Rule Change:** Persons are eligible for CCF/AFH care whose nonexempt income is less than the adult family home/congregate care rate. Persons with income less than SSI and GA-U standards will be referred to SSI or GA-U for eligibility determination. Persons in congregate care may retain \$1,500 in cash or other liquid resources (this change in CCF WAC is consistent with the existing adult family home WAC). The cost of care for recipients shall not exceed the established rate for AFH's. Persons eligible for CAPS or COPES are not eligible to receive AFH/CCF payment.

**Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change:** Joyce Robertson, Supervisor, Bureau of Aging and Adult Services, Mailstop: OB 43G, Telephone: Scan 234-1247 or 753-1247.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

#### AMENDATORY SECTION (Amending Order 2029, filed 10/6/83)

**WAC 388-15-552 ADULT FAMILY HOME—ELIGIBLE PERSONS.** (1) Persons who are eligible to receive adult family home care placement services:

(a) Have income less than eighty percent state median income adjusted for family size (SMIAFS); or

(b) Are unable to maintain a safe environment in an independent living arrangement, or require training, supervision, or assistance with activities of daily living services and/or health-related services, including nursing care as described in WAC 388-73-304(5).

(2) Persons are eligible to receive adult family home payment services whose((:

((a))) nonexempt income ((exceeds the basic cost of care; but

((b) is less than the cost of their individual level of care as assessed by department staff)) is less than the adult family home rate for their individual level of care established by the department.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

**WAC 388-15-553 ADULT FAMILY HOME—DETERMINATION OF NEED.** The department, in consultation with the individual, shall assess if the individual requires adult family home care. Adult family home services include those necessary for activities of daily living, such as eating/dining, community mobility, etc., and health-related services such as diet and ambulation. Consideration will be given to other services available for the client including community services such as chore services, home health aide, etc., as well as other residential services available. Persons with income less than SSI and GAU standards will be referred to SSI or GAU for eligibility determination.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

**WAC 388-15-555 ADULT FAMILY HOME—PAYMENTS—STANDARDS—PROCEDURES.** (1) All nonexempt income of a person placed in an adult family home shall first be applied to the person's clothing, personal maintenance and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of adult family home care. See WAC 388-92-025 for computation of available income.

((1) Nonexempt income is gross income less the first twenty dollars of any earned or unearned income plus the next sixty-five dollars of the earned income plus one-half the remainder of the earned income.))

(2) Adult family home residents may also retain up to fifteen hundred dollars in cash or other liquid resources. Any resources in excess of this limitation are considered nonexempt income to be applied to cost of care and services. Also see WAC 388-29-580 ((and)), 388-92-045 and 388-92-050 for standards and resources.

#### AMENDATORY SECTION (Amending Order 1805, filed 5/5/82)

**WAC 388-15-562 CONGREGATE CARE—ELIGIBLE PERSONS.** (1) Persons are eligible to receive regular program congregate care who:

(a) Are adults eighteen years of age or over;

((Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance)) Have nonexempt income less than the CCF – regular rate established by the department and resources within the limits allowed per WAC 388-92-045 and 388-92-050. If the person has income less than the SSI/GAU standard, he/she shall be referred for SSI/GAU eligibility determination;

(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;

(d) Do not require nursing care in excess of that described in RCW 18.20.160 and the provisions of WAC 248-16-228;

(e) Do not require developmental disabilities specialized services as described in chapter 275-36 WAC unless there is a plan of care developed to provide for these specialized services apart from regular CCF services provided by the congregate care facility;

(f) Are not eligible for mental health CCF program as described in subsection (2)(e) of this section unless there is a plan of care developed to provide for mental health specialized services apart from the regular congregate care services provided by the CCF facility; and,

(g) Do not require alcoholism and/or drug treatment as described in subsection (3) of this section.

(2) Persons are eligible to receive mental health congregate care who:

(a) Are adults eighteen years of age or over;

((Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance)) Have nonexempt income less than the CCF – mental health rate established by the department and resources within limits established per WAC 388-92-045 and 388-92-050. If the person has income less than the SSI/GAU standard, he/she shall be referred for SSI/GAU eligibility determination;

(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;

(d) Do not require nursing care in excess of that allowed by boarding home licensure;

(e) Meet the following mental health client criteria:

((i) Have been discharged from a state psychiatric hospital or a local psychiatric inpatient facility within the past twelve months; or

((ii) Be expected, as a result of a mental disorder, to continue to exhibit one or more of the following characteristics for an extended period:

((A) Inability to perform basic living skills without supervision,

((B) Inability to maintain or develop a personal support system,

((C) Have a combination of physical, cognitive, or emotional disabilities leading to serious behavioral problems; or

((iii) In the opinion of a mental health specialist (as defined by WAC 275-25-710) psychiatric hospitalization is imminent unless placement in an extended care facility is secured;

(f) Are actively involved in mental health treatment as defined in the client's individual treatment plan or on a waiting list to receive such treatment. A client shall be ineligible for the mental health rate after a sixty-day period of refusal of mental health treatment.

(3) Persons are eligible to receive alcoholism and/or drug treatment congregate care who:

(a) Are adults eighteen years of age or over;

((Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance)) Have nonexempt income less than the rate established by the department and resources within limits established per WAC 388-92-045 and 388-92-050. If the person has income less than the SSI/GAU standard, he/she shall be referred for SSI/GAU eligibility determination;

(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;

(d) Do not require nursing care in excess of the nursing care allowed by boarding home or private establishment licensure;

(e) For drug treatment congregate care, are using a controlled substance once a week or more and are at least mildly dysfunctional due to drug use as defined by the office of drug abuse. Clients recently released from jail or prison or a treatment program are eligible when judged by the drug treatment professional to be in imminent danger of recidivism without treatment;

(f) For alcoholism congregate care, manifest any physical and/or behavioral problem due to the use or abuse of alcohol as determined by staff of a state-approved alcohol treatment facility.

(4) Placement is limited to facilities having available DSHS contracted beds.

#### AMENDATORY SECTION (Amending Order 1805, filed 5/5/82)

**WAC 388-15-568 CONGREGATE CARE—PAYMENT-STANDARDS—PROCEDURES.** (1) All nonexempt income of a person placed in a congregate care facility shall first be applied to the person's clothing, personal maintenance, and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of the congregate care. See WAC 388-92-025 for computation of available income.

(2) Congregate care facility residents may also retain up to fifteen hundred dollars in cash or other liquid resources. Any resources in excess of this limitation are considered nonexempt income to be applied to cost of care and services. See also WAC 388-29-280 and 388-92-045 and 388-92-050 for standards and resources.

(3) Payment is limited to the level of care approved by the department for the type of care authorized, i.e., regular, mental health or alcoholism and/or drug treatment. There is no specialized congregate care program rate for developmentally disabled persons.

((3))) (4) The department shall pay to the congregate care facility, for those services provided, a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

### **WSR 84-15-013 PROPOSED RULES DEPARTMENT OF GENERAL ADMINISTRATION (Division of Engineering and Architecture) [Filed July 9, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration, Division of Engineering and Architecture, intends to adopt, amend, or repeal rules concerning small works roster;

that the agency will at 9:00 a.m., Tuesday, August 21, 1984, in Room 206, General Administration Building, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 34.04.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 17, 1984.

Dated: July 6, 1984  
By: Keith A. Angier  
Director

#### **STATEMENT OF PURPOSE**

Description: The rule is authorized by chapter 98, Laws of 1982, ESSB 4200. This change in the statutes was requested by the Department of General Administration to simplify the process of contracting for public

works projects of \$25,000.00 or less. Rather than advertise statewide for public works projects of \$25,000.00 or less, the agencies authorized to use the roster will solicit at least five quotations from contractors chosen at random by a computer from a list of contractors on the small works roster. In addition, whenever possible, one minority firm will be included in the solicitation. The Department of General Administration, Department of Fisheries, Department of Game, State Parks and Recreation Commission and other agencies as delegated by the director of the Department of General Administration will be authorized to use the roster. ESSB 4200 requires that the Department of General Administration shall prepare the rules for prequalification of contractors to be placed on the small works roster.

**Summary:** This amendment will revise the MWBE definition to reflect chapter 39.19 RCW and chapter 326-20 WAC; specialty contractor designations will be enumerated on the application form and not in the rules; requirement for dollar value of projects contractor desires to be considered for will be deleted because the 0-\$25,000 range is considered satisfactory; and requirement for the state of Washington, Department of Revenue tax number was added to facilitate cross reference to the MWBE certification computerized data base.

**Agency Personnel:** The Division of Engineering and Architecture, Department of General Administration, has the responsibility for drafting, implementation and enforcement of the rule. The office of E & A is located at Room 206, General Administration Building, Olympia, Washington. The personnel responsible is the manager of E & A, Jack L. Brown, telephone number 753-3793, and Assistant Attorney General, William Williams, telephone number 753-6238.

**Proponents:** Keith Angier, the Director of the General Administration Department, and Richard Siegle, Deputy Director of Facilities, General Administration Department.

**Opponents:** At a hearing held December 13, 1983, no one expressed opposition.

**Agency Comments or Recommendations:** None, no comment.

**Small Business Economic Impact Statement:** This economic impact statement is in accordance with sections 3 and 4, chapter 6, Laws of 1982. Amendment of the rules for the small works roster will not have any change to the economic impact. The economic impact on small business should remain positive rather than negative. The compliance and reporting requirements are minimal. The construction industry in the state, in particular, the small business firms in that industry will incur less cost in persuading state public works projects under \$25,000.00 and still obtain the same amount of work. The negative economic aspect is the cost to fill out a form once a year. The form is described below. The rule is authorized by chapter 98, Laws of 1982, ESSB 4200. This change in the statutes was requested by the Department of General Administration to simplify the process of contracting for public works projects of \$25,000.00 or less. Rather than advertise statewide for public works projects of \$25,000.00 or less, the agencies

authorized to use the roster will solicit at least five quotations from contractors chosen at random by a computer from a list of contractors on the small works roster. In addition, whenever possible, one minority firm will be included in the solicitation. The Department of General Administration, Department of Fisheries, Department of Game, State Parks and Recreation Commission and other agencies as delegated by the director of the Department of General Administration will be authorized to use the roster. ESSB 4200 requires that the Department of General Administration shall prepare the rules for prequalification of contractors to be placed on the small works roster. In order to be placed on the roster, the contractor must fill out a form. The form will require: Corporate or firm name; address; phone number; state contractors license number; speciality – type of construction firm; W.S. Department of Revenue tax number; geographical location where jobs will be accepted; and if the company is minority or women owned. This information will be entered into a computer and a letter sent to the contractor confirming that they are on the roster. In addition, the letter will contain all of the information entered into the computer so that the contractor can verify that it has been correctly entered on the roster. Currently, contractors wishing to obtain public works contracts under \$25,000.00 but greater than \$2,500.00 must competitively bid projects that are advertised in newspapers and trade journals. With the roster the contractor will be competing against a fewer number of bidders, but will have fewer opportunities to bid. Since the selection of firms from the roster will be on a random basis, the industry will have the same equal opportunity to obtain state work, but would not have to bid as many projects. The cost of seeking state work under \$25,000.00 dollars; therefore, would be less but would still achieve the same amount of business. The economic impact on small businesses is estimated to be a positive impact in that there would be less cost per dollar of sales. It is estimated that there would be a net gain of \$.50 per \$100.00 of the public works contracts with the state agencies listed above. In summary, the small works roster will have a positive impact on the small business contracting firms. The expenditure is minimal in filling out a very short form and mailing it to the state. In addition, they will expend less on seeking state work by bidding fewer jobs and having a better opportunity to win when they do bid.

#### AMENDATORY SECTION (Amending Order 83-1, filed 12/29/82)

**WAC 236-28-030 CONTRACTORS APPLICATION FORM—INFORMATION REQUIRED.** Contractors desiring to be included on a small works roster established by a state agency pursuant to chapter 98, laws of 1982, shall submit a completed application form on a form prescribed by the director, department of general administration. Copies of the form may be obtained from the division of engineering and architecture and will contain the following information:

- (a) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;
- (b) Address of contracting firm;
- (c) Telephone number of contracting firm;
- (d) State contractor's license number;
- (e) Indication of type of construction firm by categories enumerated (~~in WAC 236-28-040~~); on the form

((((f) Indication of the dollar value of projects for which the applicant contractor desires to be considered by categories enumerated in WAC 236-28-050;))

(f) State of Washington Department of Revenue tax number;

(g) An indication of those counties in which the contractor is interested in being considered for projects;

(h) Indication whether contractor ((qualifies)) is certified as a minority or women's business enterprise pursuant to Chapter 326-20 WAC. ((as defined in WAC 236-28-060.))

Upon receipt of the application, the agency shall enter the information set forth therein into its small works roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a small works roster until they have received this verification.

It is the responsibility of the contractor to notify the agency of any incorrect information set forth on the notice of verification, and to notify the agency of any change in the information set forth in its application as such changes may occur from time to time.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 236-48-040 Contractors to be Categorized General or Specialty — Categories of Special Contractors Enumerated.

WAC 236-28-050 Contractors Categorized by Size of Projects — Categories Enumerated.

WAC 236-28-060 Minority or Women's Business Enterprise — Defined.

### WSR 84-15-014 EMERGENCY RULES DEPARTMENT OF GENERAL ADMINISTRATION (Division of Engineering and Architecture) [Order 84-1—Filed July 9, 1984]

I, Keith A. Angier, director of the Department of General Administration, do promulgate and adopt at Room 206, General Administration Building, Olympia, Washington, the annexed rules relating to small works roster.

I, Keith A. Angier, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the small works roster program was authorized by chapter 98, Laws of 1982, effective June 10, 1982. The original implementing regulations were adopted by the Department of General Administration on December 13, 1982, effective January 28, 1983. Delays have been encountered in developing the data processing capability to support the operation of the small works roster. Those difficulties have now been resolved, and the system is scheduled to go into operation on or about June 15, 1984. However, minor changes in the regulations are necessary to reflect changes in the system as it was developed. Failure to make these changes on an emergency basis would result in further delay in implementing this cost-reduction system, to the detriment of the state.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 34.04.025 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 6, 1984.

By Kieth A. Angier  
Director

AMENDATORY SECTION (Amending Order 83-1, filed 12/29/82)

**WAC 236-28-030 CONTRACTORS APPLICATION FORM—INFORMATION REQUIRED.** Contractors desiring to be included on a small works roster established by a state agency pursuant to chapter 98, laws of 1982, shall submit a completed application form on a form prescribed by the director, department of general administration. Copies of the form may be obtained from the division of engineering and architecture and will contain the following information:

(a) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;

(b) Address of contracting firm;

(c) Telephone number of contracting firm;

(d) State contractor's license number;

(e) Indication of type of construction firm by categories enumerated ((in WAC 236-28-040)); on the form

((f) Indication of the dollar value of projects for which the applicant contractor desires to be considered by categories enumerated in WAC 236-28-050;))

(f) State of Washington Department of Revenue tax number;

(g) An indication of those counties in which the contractor is interested in being considered for projects;

(h) Indication whether contractor ((qualifies)) is certified as a minority or women's business enterprise pursuant to Chapter 326-20 WAC. ((as defined in WAC 236-28-060:))

Upon receipt of the application, the agency shall enter the information set forth therein into its small works roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a small works roster until they have received this verification.

It is the responsibility of the contractor to notify the agency of any incorrect information set forth on the notice of verification, and to notify the agency of any change in the information set forth in its application as such changes may occur from time to time.

REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 236-48-040 Contractors to be Categorized General or Specialty — Categories of Special Contractors Enumerated.**

**WAC 236-28-050 Contractors Categorized by Size of Projects — Categories Enumerated.**

**WAC 236-28-060 Minority or Women's Business Enterprise — Defined.**

**WSR 84-15-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
[Order 84-03—Filed July 9, 1984]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 921 Lakeridge Drive, Olympia, Washington 98504, the annexed rules relating to:

New	WAC 67-25-360	Vocational rehabilitation services—Similar benefits.
Amd	WAC 67-25-005	Definitions.
Amd	WAC 67-25-325	Services available from other agencies.
Amd	WAC 67-25-385	Vocational rehabilitation services—Physical and mental restoration.
Amd	WAC 67-25-388	Vocational rehabilitation services—Vocational and other training.
Amd	WAC 67-25-390	Vocational rehabilitation services—Training—Colleges.

I, Paul Dziedzic, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to have these rules in effect until permanently adopted in the near future.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Services for the Blind as authorized in section 18, chapter 194, Laws of 1983.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 7, 1984.

By Paul Dziedzic  
Director

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-005 DEFINITIONS.** (1) "Accepted for services" shall mean that the department has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the department a letter or application requesting vocational rehabilitation services which:

(a) Has been signed by the individual, his/her parents or guardian or other representative; and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Blind or visually impaired" for purposes of this chapter is a physical disability defined as follows:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°; or

(b) Vision so defective as to prevent the performance of ordinary activities for which eyesight is essential; or

(c) An eye condition of a progressive nature which may lead to blindness.

(5) "Client" shall mean any handicapped individual:

(a) Who has applied for services from the department; and

(b) For whom services have not been denied or terminated by the department.

(6) "Department of services for the blind" shall mean the legal authority in its entirety:

(a) "Advisory council" shall mean the members appointed by the governor as the advisory body.

(b) "Department" shall mean the agency which carries out the operations of the Washington department of services for the blind.

(7) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

(8) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(9) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(10) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on

the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability.

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(11) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(12) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(13) "Medical consultant" shall mean a physician licensed pursuant to chapters 18.57 and 18.71 RCW employed by the department to provide consultation to rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(14) "Ophthalmological consultant" shall mean a physician licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye employed by the department to provide consultation to rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(15) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(16) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The

term "physical disability" includes blindness and/or visual impairment.

(17) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(18) "Referral" is defined as any individual who applied or has been referred to a department office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

- (a) Name and address;
- (b) Disability;
- (c) Age and sex;
- (d) Date of referral; and
- (e) Source of referral.

(19) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(20) "Rehabilitation teacher" (RT) shall refer to an employee of the department who has responsibility to determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or

purchased as determined by the needs of the individual written rehabilitation program.

(21) "Similar benefits" is a financial resource for which a client is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The financial resource must be an organized, ongoing form of service or financial assistance, whether public or private. It must be free or may require a deductible, co-insurance feature, token payment or personal claim.

(22) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his/her obtaining, retaining, or preparing for employment consistent with his/her capacities and abilities.

((22))) (23) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the department who has direct responsibility for providing, or supervising the provision of all vocational rehabilitation services to a client of the department.

((23))) (24) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him/her to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his/her rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

((24))) (25) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

## NEW SECTION

**WAC 67-25-360 VOCATIONAL REHABILITATION SERVICES—SIMILAR BENEFITS.** (1) In as much as full consideration of similar benefits is required by federal regulations, this section prevails over all other sections describing the conditions under which rehabilitation services will be provided. Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.

(2) The following services are provided without full consideration of similar benefits:

- (a) Evaluation of rehabilitation potential;
- (b) Counseling;
- (c) Guidance;
- (d) Referral;

- (e) Placement;
- (f) Vocational and other training services not provided in an institution of higher education;
- (g) Related and necessary services which may be provided to family members;
- (h) Post-employment services.

(3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

(4) The following services may be provided only after giving full consideration to similar benefits:

- (a) Physical and mental restoration services;
- (b) Maintenance;
- (c) Interpreter services for the deaf;
- (d) Reader services for the blind;
- (e) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;
- (f) Rehabilitation teaching services;
- (g) Orientation and mobility services for the blind;
- (h) Occupational licenses, tools, equipment, initial stocks and supplies;
- (i) Transportation;
- (j) Telecommunications, sensory, and other technological aids and devices.

(5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.

(6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.

(7) Exception to policy in two areas of service:

- (a) Physical and mental restoration; and
- (b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.

(8) The consideration of similar benefits will be documented in the client's case record. The documentation will include sources of assistance considered, whether the client applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funding for services in subsections (3) and (4) of this section.

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-325 SERVICES AVAILABLE FROM OTHER AGENCIES.** The department's funds shall not be expended to purchase services for which a client is eligible ((from)) when another agency which has primary responsibility for providing the needed service. ((In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program.))

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-385 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION.** (1) Physical and mental restoration shall include all medical and related services including the following:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication;

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the medical consultant;

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short-term therapy. A program of psychiatric treatment which will extend beyond twelve months must have the prior approval of the medical consultant;

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services;

(f) Hospital (either inpatient or outpatient care) and clinic services;

(g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the ((commission)) department as a long-term process for conditions not expected to improve;

(h) Drugs and supplies;

(i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment;

(j) Eyeglasses;

(k) Podiatry;

(l) Physical therapy, physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury;

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques;

(n) Medical or medically-related social work services;

(o) Medically directed speech or hearing therapy.

(2) Physical and mental restoration will be provided ((on an exception basis)) after ((exhausting all other resources)).

(a) ~~Clients needing physical restoration who appear to be eligible will be referred to the prevention of blindness program;~~

(b)) consideration of similar benefits which may be available to the client.

Medical emergencies to prevent eminent loss of sight or prevent severe service interruption will be provided with the approval of the supervisor.

**AMENDATORY SECTION** (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-388 VOCATIONAL REHABILITATION SERVICES—VOCATIONAL AND OTHER TRAINING.** (1) The department may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in subsection (5) of this section.

(2) The department will operate and maintain an orientation and training center for prevocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless ((maximum efforts have been made by the department on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services.)) a client ((must)) can demonstrate application for, and denial of, ((other grants and scholarships)) federal grant assistance.

(4) The department may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client. The amount of assistance provided on a quarterly or semester basis for students carrying a full academic load will be established by the director of the department, provided that exceptions can be made on a case-by-case basis. Students attending less than full time will have amount reduced proportionately.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount charged at the University of Washington or the actual cost, whichever is less.

(7) The department may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field.

However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the department in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

**AMENDATORY SECTION** (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-390 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE.** (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him/her on a reasonably competitive basis in a suitable occupation.

(b) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.

(c) Evaluation of the client's motivation, study habits, personality and character traits, or other relevant factors, indicates that it would be appropriate to provide him/her with college training even though he/she has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his/her grades fall below the standards required in the field of his/her choice, it may be necessary to select a new objective for college training through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of the rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.

((3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for such training or training services.))

**WSR 84-15-016  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Commission for Vocational Rehabilitation)  
[Filed July 9, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning vocational rehabilitation, amending chapter 490-500 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about July 10, 1984;

that the agency will at 10:00 a.m., Wednesday, August 22, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1984.

The authority under which these rules are proposed is RCW 74.29.025.

The specific statute these rules are intended to implement is chapter 74.29 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 8, 1984. The meeting site is in a location which is barrier free.

Dated: July 6, 1984

By: David A. Hogan, Director  
Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 490-500 WAC.

The Purpose of the Rule Change: To reflect a change in the federal law by removing the phrase "beyond any reasonable doubt" from the WAC.

The Reason These Rules are Necessary: The state WAC needs to correspond to the federal enabling legislation.

Statutory Authority: RCW 74.29.025.

Summary of the Rule Change: Delete the phrase "beyond any reasonable doubt" in WAC 490-500-050(2), 490-500-110(b), 490-500-120(2) and 490-500-525(2).

The Person Responsible for Drafting, Implementation and Enforcement of the Rule change: Leslie F. James, Director, Division of Vocational Rehabilitation, Olympia HQ, Mailstop: OB 21C, Telephone: 753-0293.

These rules are necessary as a result of federal law, House amendment to Rehabilitation Act.

#### AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

**WAC 490-500-050 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY.** (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the VRC.

(2) Whenever it has been determined ((beyond any reasonable doubt)) that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation.

#### AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

**WAC 490-500-110 EXTENDED EVALUATION—TERMINATION.** (1) At any time prior to the expiration of an 18-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined ((beyond any reasonable doubt)) that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 490-500-280 must be followed.

#### AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

**WAC 490-500-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE.** The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the VRC.

(2) Certification of ineligibility. When it has been determined ((beyond any reasonable doubt)) that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation.

#### AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

**WAC 490-500-525 TERMINATION OF SERVICES FOR REASON OF INELIGIBILITY.** (1) Services under a written program are to be terminated on the basis that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible.

(2) Whenever it has been determined ((beyond any reasonable doubt)) that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file.

**WSR 84-15-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission for Vocational Rehabilitation)**  
[Order 2121—Filed July 9, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vocational rehabilitation, amending chapter 490-500 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to conform to federal law.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.29.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.29 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 6, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1050, filed 8/29/75)

**WAC 490-500-050 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY.** (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the VRC.

(2) Whenever it has been determined ((~~beyond any reasonable doubt~~)) that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation.

**AMENDATORY SECTION** (Amending Order 1050, filed 8/29/75)

**WAC 490-500-110 EXTENDED EVALUATION—TERMINATION.** (1) At any time prior to the expiration of an 18-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined ((~~beyond any reasonable doubt~~)) that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 490-500-280 must be followed.

**AMENDATORY SECTION** (Amending Order 1050, filed 8/29/75)

**WAC 490-500-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE.** The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services,

there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the VRC.

(2) Certification of ineligibility. When it has been determined ((~~beyond any reasonable doubt~~)) that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation.

**AMENDATORY SECTION** (Amending Order 1050, filed 8/29/75)

**WAC 490-500-525 TERMINATION OF SERVICES FOR REASON OF INELIGIBILITY.** (1) Services under a written program are to be terminated on the basis that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible.

(2) Whenever it has been determined ((~~beyond any reasonable doubt~~)) that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file.

**WSR 84-15-018**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed July 11, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning employment and training, amending chapter 388-57 WAC;

that the agency will at 10:00 a.m., Wednesday, August 22, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1984.

The authority under which these rules are proposed is RCW 74.04.400.

The specific statute these rules are intended to implement is RCW 74.04.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

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Dated: July 6, 1984

By: David A. Hogan, Director  
Division of Administration and Personnel

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.  
Re: Amending WAC 388-57-090, repealing WAC 388-57-095 and new WAC 388-57-100.

**The Purpose of the Rule Change:** To repeal the intensive applicant employment services research and demonstration program which expires September 30, 1984, and to establish the employment search program effective October 1, 1984.

**The Reason These Rules are Necessary:** To implement mandatory job search for AFDC applicants and recipients pursuant to 45 CFR 240.

**Statutory Authority:** RCW 74.04.400.

**Summary of the Rule Change:** Establishes the employment search program (ESP) as a work search activity for applicants and recipients of AFDC. ESP will serve as the primary job search assistance program in WIN locations allowing WIN funds to be concentrated in training and remedial services for non-job-ready individuals.

**Persons Responsible for the Drafting, Implementation and Enforcement of the Rule Change:** Kenneth E. Anderson, Program Manager, and Stephen McGuire, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Telephone: 753-4920, 753-5827.

These rules are authorized by 45 CFR 240, but are not mandatory on the state.

### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

**WAC 388-57-090 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/EMPLOYMENT AND TRAINING WITHOUT GOOD CAUSE—FAIR HEARINGS.** (1) An AFDC applicant who claims to be exempt from WIN/employment and training (E&T) registration as provided in WAC 388-24-107 shall be considered exempt until his/her status is finally determined.

(2) An individual who is dissatisfied with the determination that he/she must register for the work incentive (WIN) program or the employment and training (E&T) program as provided in WAC 388-24-107 may request a fair hearing.

(3)(a) DES has responsibility for hearing and deciding disputes over their decisions involving refusal or failure without good cause on the part of a registrant or participant to accept employment or to participate in the work incentive (WIN) program ((or the employment and training (E&T) program upon suspension from the WIN program)).

(b) DSHS has responsibility for hearing and deciding disputes over their decisions involving registrant/participant refusal or failure to accept employment or to participate in the employment and training (E&T) program without good cause ((only when he/she is not certified to the WIN program)). Refer to WAC 388-57-061.

### NEW SECTION

**WAC 388-57-100 EMPLOYMENT SEARCH PROGRAM.** The employment search program is authorized under Public Law 97-

248, 96 Stat. 324, 42 U.S.C. 1302 and as further provided in 45 CFR 240.

(1) The purpose of this program is to reduce welfare dependency by assisting individuals in obtaining regular unsubsidized employment.

(2) As a condition of eligibility for AFDC applicants and recipients who are determined job ready by WIN or E&T shall participate in the employment search program.

(a) Initial period: Individuals assigned to the employment search program shall be required to participate in the program for up to eight consecutive weeks.

(b) Individuals completing the initial eight-week participation shall be subject to an additional eight-week participation in any twelve-month period.

(c) The first such period of twelve consecutive months shall begin at any time following the close of the initial period in (a) of this subsection.

(3) Exemptions and sanctions shall be the same as prescribed in WAC 388-57-064 (1), (2), (3), (4), and (7).

(4) Nothing in this section shall restrict WIN program employment search requirements, providing that:

(a) No individual shall be subject to concurrent job search requirements in WIN and the employment search program; and

(b) No individual shall be subject to any sanction for failure to participate in one program in this section if he/she is actively and satisfactorily participating in the other program.

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY.**

**WSR 84-15-019  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Radiation Control)  
(General Provisions)**

[Filed July 11, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 402-22-040 General requirements for the issuance of specific licenses—Radiation.

Amd WAC 440-44-050 Radiation machine facility registration fees.

Amd WAC 440-44-057 License fees for radioactive materials;

that the agency will at 2:00 p.m., Wednesday, August 22, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1984.

The authority under which these rules are proposed is RCW 70.98.080 and 43.20A.055.

The specific statute these rules are intended to implement is RCW 70.98.080 and 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 8, 1984. The meeting site is in a location which is barrier free.

Dated: July 6, 1984

By: David A. Hogan, Director  
 Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 34.04 RCW.

**Re: Amending WAC 402-22-040 General requirements for the issuance of specific licenses; WAC 440-44-050 Radiation machine facility registration fees; and WAC 440-44-057 License fees for radioactive materials.**

**The Purpose of the Rule Change in Chapter 402-22 WAC:** To protect the public from unnecessary exposure and financial liability in the event of the inability or failure of a major radioactive materials licensee to clean up its contaminated facility and surroundings. To do this, the department proposes to collect and hold financial surety from certain radioactive materials licensees. This rule is necessary because certain classifications of radioactive materials licensees are engaged in activities which could cause their facilities to become contaminated with radioactive material. The licensees are responsible for all costs associated with decontamination of their facilities. Should a licensee file bankruptcy or be otherwise unable to pay, the financial surety would be used to protect the public health by allowing the state to perform reclamation, surveillance, and control of contaminated facilities. Promulgation of this rule should reduce the potential for expenditure of state general funds to perform decontamination activities and should reduce the potential for litigation by the department to recover such costs from the licensee(s) involved.

**The Purpose of the Rule Change in Chapter 440-44 WAC:** To update the registration and license fees based on the annual cost study. The reason the changes are necessary is to generate revenue to cover the full cost incurred in issuing and determining compliance with the registration or licensee.

**Statutory Authority:** RCW 70.98.080 (1)(a) and section 2, chapter 201, Laws of 1982.

**Summary of the Rule Change:** Prior to issuance of a new radioactive materials license, renewal of an existing radioactive materials license, or major amendment of an existing radioactive materials license, certain licensees must furnish acceptable financial surety payable to the department. Radiation machine facility registration fees are adjusted and separate fee schedules are created for

hospitals and for physicians and chiropractors. License fees for radioactive materials are adjusted, several fee categories are combined, a separate category for veterinarians is created, and a mechanism is provided for recovering excess cost. This is to protect members of a fee category from excessive upward fluctuations in the averaged fees when one or more members of the category require extraordinary staff effort to investigate violations of license conditions which result in contamination to facilities or the environment, or human overexposure to radiation. The change requires licensees who exceed the specified limits to directly reimburse the department for the excess cost rather than include it in the average fee charged to all licenses in the fee category.

**The Person Responsible for Drafting, Implementation and Enforcement of These Rules:** T. R. Strong, Head, Radiation Control Section, Mailstop LF-13, Telephone: 753-3468.

The rule change is not necessary as a result of a recent federal law, or federal court decision, or a state court decision.

Research was done to determine whether the rule change to chapter 402-22 WAC would fall under the requirements of the Regulatory Fairness Act. It was determined that this rule will not affect 20 percent of all industries or 10 percent of any one industry. There will be six different license classifications involved, affecting 13 licensees in the following industries: Pharmacy (1), industrial laundry (2), manufacturers (3), trucking and/or miscellaneous repair firms (6), and research laboratory (1). The proposed change to chapter 440-44 WAC deals principally with the issue of the equitable collection of fees for radioactive materials licenses. There is a wide variation in the per unit income of both large and small licensees and there is no inherent correlation between the size of business and the income per unit. Both large and small businesses operate at the lower end and upper end of the per unit income range. Therefore, there is little difference between the effect on large and small businesses due to this proposed revision.

#### AMENDATORY SECTION (Amending Order 1683, filed 7/28/81)

**WAC 402-22-040 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES.** A license application will be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in WAC 402-22-070, 402-22-090, and 402-22-110.

(5) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, source material milling, or for the conduct of any other activity which the agency determines will significantly affect the quality of the environment, the department, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after independently weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall

be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

(6) Financial surety arrangements.

(a) Pursuant to chapters 70.98 and 70.121 RCW, and except as otherwise provided, financial surety arrangements shall be established for ((site)) reclamation and long-term surveillance and control ((which)) of facilities and surroundings affected by licensed activities. Such financial surety arrangements may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above ((for source material milling operations shall be established)) to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations. All uranium and thorium milling facilities and all radioactive materials licensees whose activities are described in WAC 440-44-057 (2)(a), (b), (d), (e), (f), (j), (x)(i) (with a possession limit equal to that of WAC 440-44-057 (2)(j), (cc), (dd), and WAC 440-44-057(3) (involving the above specified categories of use) are required to furnish financial surety, prior to issuance of a new license, renewal of an existing license, or major amendment of an existing license which may cause the surety to become insufficient.

(i) The amount of funds to be ensured by such surety arrangements shall be based on agency-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements.

(iii) No later than one hundred twenty days after the licensee notifies the department that the licensee is no longer engaged in an activity covered under the regulations listed in (a) of this subsection and that decommissioning and reclamation has been completed, the department shall determine if the decommissioning and reclamation has been conducted in accordance with these rules and with the conditions of the license. If the department finds that the requirements have been met, the department shall, within thirty days, return or release the licensee's security in full. If the department finds that the requirements have not been met, the department will notify the licensee of the steps necessary to comply.

(iv) The department may require review and adjustment of the security. The department may review the security annually or more frequently as circumstances demand to adjust for changes in value of any security tendered and to assure that sufficient funds will be available for completion of the department approved plan. The amount of security shall be adjusted to recognize any increases or decreases resulting from inflation, recession, changes in engineering plans, activities performed, and any other conditions affecting costs. If the department determines that additional security is necessary, the licensee shall post acceptable security with the department within ninety days of the date the licensee is notified of the deficiency. If the department determines that all or a portion of the security may be refunded, the department shall direct its return or release within a reasonable time period. An appropriate portion of security shall be retained until final compliance with the decommissioning plan is determined by the department.

(v) An applicant/licensee must notify the department by certified mail of the commencement of any voluntary or involuntary proceeding involving the continued financial viability of the applicant/licensee such as any proceeding under the bankruptcy code within ten days following commencement of the proceeding.

(b) The arrangements required in WAC 402-22-040 (6)(a) shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out the decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued providing that the required surety arrangements are established within ninety days after the effective date of WAC 402-22-040(6).

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on agency-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which

would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in WAC 402-52-100. The license shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the agency. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the agency may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge are clearly identified. The licensee's surety mechanism will be reviewed annually by the agency to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specified period of time (e.g., five years) yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the regulatory agency to collect.

(7) Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC 402-22-070 (6)(d), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(8) Continued surveillance requirements for source material mills.

(a) The final disposition of tailings or wastes at source material milling sites should be such that the need for active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections shall be conducted by the government agency retaining ultimate custody of the site where tailings, or wastes are stored to confirm the integrity of the stabilized tailings, or waste systems and to determine the need, if any, for maintenance and/or monitoring and/or environmental sampling. Results of the inspection shall be reported to the U.S. NRC within sixty days following each inspection. The U.S. NRC may require more frequent site inspections, if, on the basis of a site-specific evaluation, such a need appears necessary due to the features of a particular tailings or waste disposal system.

(b) A minimum charge of \$250,000 (1978 dollars) accrued as specified in WAC 402-22-070 (6)(d) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in WAC 402-22-040 (8)(a) (e.g., if fencing is determined to be necessary) variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the

long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

#### AMENDATORY SECTION (Amending Order 1965, filed 6/1/83)

**WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES.** The following biennial fees are required at the time of application or renewal:

(1) For dentists, veterinarians, and podiatrists: ((Forty)) Sixty-five dollars plus ((eleven)) fifteen dollars per tube, ((not to exceed two hundred sixty dollars)).

(2) For industrial, research, or other nonhealing arts: ((Forty)) Sixty dollars plus ((eleven)) ten dollars per tube, ((not to exceed two hundred sixty dollars)).

(3) For all ((others)) hospitals: ((One)) Two hundred ((ten)) thirty dollars plus ((sixty-five)) eighty dollars per tube, not to exceed ((nine hundred fifty-five)) two thousand six hundred thirty dollars.

(4) For physicians and chiropractors: One hundred twenty dollars plus forty dollars per tube.

#### AMENDATORY SECTION (Amending Order 2050, filed 11/30/83)

**WAC 440-44-057 LICENSE FEES FOR RADIOACTIVE MATERIALS.** (1) The fee for each radioactive materials license is the single highest fee category ((license)) which describes activities subject to the conditions of the license. When multiple licenses are required by the department, each license is subject to the applicable license fee. Multiple licenses may be required by the department based upon physical separation of operations, organizational separations within a licensee's operation, or possession of special nuclear material. Whenever the actual cost to the department for servicing an individual licensee exceeds one hundred fifty percent of the annual fee or one thousand dollars in excess of the annual fee whichever is greater and the additional cost is caused by noncompliance with conditions of the radioactive materials license, the department may bill the licensee for the amount in excess of the fee.

##### (2) FEEL CATEGORIES.

(a) For operation of a radioactive waste treatment facility: Annual fee of ((eleven)) thirteen thousand ((five hundred)) dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand ((six)) three hundred dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of ((two)) three thousand ((six hundred)) dollars.

(d) For operation of a nuclear laundry((fixed base)): Annual fee of five thousand seven hundred dollars.

(e) ((For operation of a nuclear laundry, portable operation: Annual fee of five thousand dollars:))

((f))) For manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of ((two)) three thousand ((six hundred)) dollars.

((g))) ((f)) For licenses authorizing decontamination services or waste brokerage: Annual fee of two thousand ((two)) five hundred dollars.

((h))) (g) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of ((two)) four hundred ((twenty-five)) fifty dollars.

((i))) (h) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of ((four)) five hundred ((thirty-five)) seventy-five dollars.

((j))) (i) For civil defense licenses: Annual fee of ((one)) five hundred seventy-five dollars.

((k))) (j) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of ten thousand ((four)) three hundred dollars.

((l))) (k) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand ((six)) three hundred dollars.

((m))) (l) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of one thousand ((four)) two hundred dollars.

((n))) (m) For medical licenses authorizing one or more of Groups ((H-VI)) II-V, as defined in WAC 402-22-200 Schedule A(:

(i) For licenses authorizing Group II and III)) (diagnostic nuclear medicine): Annual fee of one thousand six hundred dollars.

(ii) For licenses authorizing Group IV and V (unlimited) and medical therapy: ((Annual fee of eight hundred dollars:))

(iii) For licenses authorizing Group II or III and Group IV or V:))

Annual fee of ((two)) one thousand eight hundred dollars.

((iv))) (n) For licenses authorizing Group VI ((unlimited)) brachytherapy: Annual fee of ((six)) three hundred ((twenty-five)) fifty dollars.

(o) For licenses authorizing brachytherapy or teletherapy: Annual fee of ((six hundred twenty-five)) one thousand dollars.

(p) For licenses authorizing medical ((or)) (but not including veterinarian) possession of greater than 200 millicuries total possession of radioactive material: Annual fee of one thousand ((four)) six hundred dollars.

(q) For licenses authorizing medical ((or)) (but not including veterinarian) possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of ((one thousand six)) four hundred fifty dollars.

(r) For licenses authorizing medical ((or)) (but not including veterinarian) possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of ((two)) three hundred fifty dollars.

(s) For licenses authorizing Group I as defined in WAC 402-22-200 Schedule A or in vitro uses of radioactive materials: Annual fee of ((one)) three hundred fifty dollars.

(t) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of ((one)) two hundred fifty dollars.

(u) For licenses authorizing radiographic exposure devices: Annual fee consisting of one thousand ((five hundred)) fifty dollars for ((the first)) one licensed exposure device ((plus four hundred fifty dollars for each additional exposure device)), two thousand one hundred dollars for two devices, and three thousand one hundred fifty dollars for three or more devices.

(v) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand ((fifty)) two hundred dollars.

(w) For licenses authorizing well-logging activities not including the use of tracers: Annual fee of ((one thousand fifty)) five hundred dollars.

(x) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand ((fifty)) six hundred dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of ((five)) seven hundred seventy-five dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to 1 millicurie of any other single isotope: Annual fee of ((one)) four hundred fifty dollars.

(y) For licenses authorizing possession of portable sealed sources (excluding radiographic exposure devices) in the following groups:

(i) Authorized possession of) but including portable moisture/density gauges((: Annual fee of two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of five hundred dollars.

(ii) Authorized possession of any), any other portable sealed source, ((including special nuclear material)) which is transported from the facility as a condition of use(: Annual fee of five hundred dollars:

(iii) Authorized possession of) and any portable sealed source which is restricted to use at the licensee's facility only and does not enter intra-state transport as a condition of use): Annual fee of ((two)) four hundred fifty dollars.

(z) For licenses authorizing possession of any nonportable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of ((two hundred dollars for the first licensed gauge plus fifty dollars for each additional gauge to a maximum of six hundred)) five hundred twenty-five dollars.

(aa) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of ((one)) two hundred fifty dollars.

(bb) For licenses authorizing maximum possession of any nonportable sealed source greater than 100 curies: Annual fee of one thousand ((fifty)) two hundred dollars.

(cc) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 500 kilograms of source material: Annual fee of ((two)) three thousand ((six hundred)) dollars.

(dd) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or less than or equal to 500 kilograms of source material: Annual fee of three hundred fifty dollars.

(ee) For in vitro registrants (requiring filing of form RHF-15): Annual fee of fifty dollars.

(ff) For depleted uranium registrants (requiring filing of form RHF-20): Annual fee of fifty dollars.

(gg) For licenses authorizing possession of radioactive material for veterinary use: Annual fee of seventy-five dollars.

(3) For reciprocal recognition of out-of-state licenses: Fee equal to fifty percent of the fee that would be charged for an in-state license as described in subsection (2) of this section based upon the actual amount of radioactive material or number of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington for up to one hundred eighty days of the twelve-month period following payment of the fee.

(4) It is the intent of the department to require all radioactive materials licensees who have not yet paid fees for their licenses to begin doing so on January 1, 1984. ((The following mechanism will be employed to accomplish this intent. A licensee who has not paid for a license shall remit by January 1, 1984, a prorated amount of the license fee for the period between January 1, 1984 and the annual anniversary of the expiration date of the license.)) Thereafter, thirty days prior to the annual anniversary date, each licensee shall remit the full annual fee for the license as specified in subsection (2) of this section. The annual anniversary is the month and day of the expiration date of the existing radioactive materials license.

**WSR 84-15-020  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)**

[Filed July 13, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning IMR program and reimbursement system, amending chapter 275-38 WAC;

that the agency will at 10:00 a.m., Wednesday, September 5, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 12, 1984.

The authority under which these rules are proposed is RCW 74.09.120.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 22, 1984. The meeting site is in a location which is barrier free.

Dated: July 9, 1984  
By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 275-38 WAC.

The Purpose of the Rule Changes and New Rules: WAC 275-38-001 (amended), to include definitions of "state facilities" and "nonstate facilities"; WAC 275-38-535 (amended), to require that state facilities submit annual cost reports by December 31st of the report year; WAC 275-38-831 (amended), to specify the regulations used to establish reimbursement for state and nonstate facilities; require that legislative inflation factors used in rate setting be specified in Division Policy Directive 406; and, allow the department to adjust rates for changes in program standards or services; WAC 275-38-860 (amended), to eliminate the staffing level reimbursement standards; eliminate E Level facilities proration of staff between cost centers; incorporate a \$.61 per hour add-on for resident care and training staff; and, incorporate the legislatively mandated adjustment for inflation; WAC 275-38-865 (amended), to incorporate the legislatively mandated adjustment for inflation; WAC 275-38-868 (new), to replace WAC 275-38-730 (maximum allowable compensation of certain administrative personnel) for consolidation of nonstate facilities' rate setting regulations; WAC 275-38-869 (new), to replace WAC 275-38-740 (management agreements, management fees, and central office services) for consolidation of nonstate facilities' rate setting regulations; WAC 275-38-870 (amended), to consolidate nonstate facilities' administration and operations wage rate and nonwage rate components into a single cost center adjusted for inflation and subject to an 85th percentile lid; WAC 275-38-875 (amended), to delete the reference to July 1983 for establishing July 1984 rates; WAC 275-38-880 (amended), to delete the reference to July 1983 for establishing July 1984 rates; WAC 275-38-886 (amended), to eliminate shifting from the resident care and habilitative services cost center, effective July 1, 1984; and, specify that preliminary settlements will become the final settlement if no audit is to be conducted; WAC 275-38-890 (new), to specify the method for establishing state facilities' Title XIX rates; and WAC 275-38-892 (new), to specify the method for establishing state facilities' Title XIX final payments.

The Reason These are Necessary: Pursuant to Substitute House Bill 1156, revise the department's IMR rate setting to incorporate the July 1984 rate increases for cost-of-living; pursuant to Substitute House Bill 1156, revise the department's IMR rate setting to incorporate an IMR staff compensation enhancement, effective July 1984; and revise the department's IMR rate setting for

establishing Title XIX federal financial participation for IMR services provided by the state residential habilitation centers.

**Statutory Authority:** RCW 74.09.120 and Substitute House Bill 1156.

**Summaries of the New Rules and Changes:** WAC 275-38-001 defines state and nonstate IMR facilities; WAC 275-38-535 requires state facilities to submit their annual cost report by December 31st of the report year; WAC 275-38-831 identifies the regulations used to establish reimbursement for state and nonstate facilities; requires that legislatively mandated inflation factors used in rate setting be specified in Division Policy Directive 406; and, allows the department to adjust rates for changes in program standards or services; WAC 275-38-860 eliminates the staffing level reimbursement standards; eliminates E Level facilities proration of staff between cost centers; incorporates a \$.61 per hour add-on for resident care and training staff compensation; and, provides for the legislatively mandated adjustment for inflation; WAC 275-38-865 provides for the legislatively mandated adjustment for inflation; WAC 275-38-868 transfers WAC 275-38-730 (maximum allowable compensation of certain administrative personnel) to the section governing nonstate facilities' rate setting; WAC 275-38-869 transfers WAC 275-38-740 (management agreements, management fees, and central office services) to the section governing nonstate facilities' rate setting; WAC 275-38-870 consolidates nonstate facilities' administration and operations wage rate and non-wage rate components into a single cost center adjusted for inflation and subject to an 85th percentile lid; WAC 275-38-875 deletes the reference to July 1983 for establishing July 1984 rates; WAC 275-38-880 deletes the reference to July 1983 for establishing July 1984 rates; WAC 275-38-886 eliminates shifting from the resident care and rehabilitative services cost center effective July 1, 1984; and, specifies that preliminary settlements will become final settlement if no audit is to be conducted; WAC 275-38-890 specifies the method for establishing state facilities' Title XIX rates; and WAC 275-38-892 specifies the method for establishing state facilities' Title XIX final payments.

**Person Responsible for Drafting, Implementing and Enforcing the Rules:** Roger Gantz, Manager, PSA Reimbursement Section, Division of Developmental Disabilities, Mailstop: OB-42C, Olympia, Washington 98504, Phone: (206) 753-4449, scan: 234-4449.

**These Rules are Proposed by:** Department of Social and Health Services' Division of Developmental Disabilities.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**Economic Impact on Small Businesses:** The rule changes will result in an approximate one million dollar increase in rates to nonstate IMR facilities for cost-of-living and direct care staff compensation enhancement. The rule change will reduce reporting requirements and costs for Level E facilities.

**Emergency Adoption Justification:** The rule changes must be adopted on an emergency basis to implement the provisions of Substitute House Bill 1156, section

205(1)(c) and (f) for July 1984 IMR rates. These provisions will provide necessary revenue to IMR facilities for ensuring adequate service levels for department clients. The rule change will increase federal participation in the IMR program for assisting the department to operate within its budgetary limits.

#### AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

**WAC 275-38-001 TERMS.** Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accrual method of accounting" – A method of accounting where revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period incurred, regardless of when paid.

(2) "Active treatment in institutions for the mentally retarded" requires the following:

(a) The individual's regular participation, in accordance with an individual habilitation plan, in professionally developed and supervised activities, experiences, or therapies.

(b) A written individual habilitation plan setting forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapies necessary for the individual to reach the goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he or she can presently or potentially achieve.

(c) An interdisciplinary professional evaluation:

(i) Completed, for a recipient, before admission to the institution but not more than three months before, and for an individual applying for Medicaid after admission, before the institution requests payment;

(ii) Consisting of complete medical, social, psychological diagnosis and evaluations, and an evaluation of the individual's need for institutional care; and

(iii) Made by a physician, a social worker, and other professionals, at least one of whom is a qualified mental retardation professional.

(d) Reevaluation medically, socially, and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. The reevaluation must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his or her continuing need for institutional care, and consideration of alternate methods of care.

(e) An individual postinstitutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals.

(3) "Allowable costs" – See WAC 275-38-680.

(4) "Appraisal" – The process of establishing the fair market value or reconstruction of the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The process includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(5) "Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller, where neither party is legally related to the other party by blood or under law, and having adverse positions in the market place. Sales or exchanges of IMR or nursing home facilities among two or more parties where all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of ((a)) an IMR facility subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

(6) "Assets" – Economic resources of the contractor, recognized, and measured in conformity with generally accepted accounting principles. Assets also include deferred charges, not resources, but assets recognized and measured in accordance with generally accepted accounting principles.

(7) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

(8) "Beds" – Unless otherwise specified, the number of set-up beds in the IMR facility, not to exceed the number of licensed beds.

(9) "Beneficial owner" – Any person:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power including the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power including the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (9) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except, any person acquiring an ownership interest or power specified in subsection (9)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power.

(d) Any person in the ordinary course of business having a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary required to declare a default and determine the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (9) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such ((power(s))) power or powers pursuant to a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

(10) "Boarding home" – Means any home or other institution licensed in accordance with chapter 18.20 RCW.

(11) "Capitalization" – The recording of an expenditure as an asset.

(12) "Capitalized lease" – A lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" – A method of accounting where revenues are recognized only when cash is received, and expenditures are expensed, and asset items are not recorded until cash is disbursed.

(14) "Change of ownership" – A change in the individual or legal organization responsible for the daily operation of an IMR facility.

(a) Events changing ownership include but are not limited to the following:

(i) The form of legal organization of the owner is changed (such as a sole proprietor forms a partnership or corporation);

(ii) Title to the IMR enterprise is transferred by the contractor to another party;

(iii) The IMR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs dissolving the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following occurs:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, (i.e., subject to the contractor's general approval of daily operating decisions);

(ii) If the contractor is a corporation, some or all of the corporation's stock is transferred.

(15) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

(16) "Contract" – A contract between the department and a contractor for the delivery of IMR services to eligible Medicaid recipients in a facility and an entity responsible for operational decisions.

(17) "Contractor" – An entity contracting with the department to deliver IMR services to eligible Medicaid recipients.

(18) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" – The local community services office of the department.

(20) "DDD" – The division of developmental disabilities of the department.

(21) "Department" – The department of social and health services (DSHS) and employees.

(22) "Depreciation" – The systematic distribution of the cost or other base of a tangible asset less salvage, over the estimated useful life of the asset.

(23) "Donated asset" – An asset the contractor acquired without making any payment in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(24) "Entity" – An individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering enforceable contracts.

(25) "Equity capital" – Total tangible and other assets necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(26) "Facility" – ((An IMR)) A residential setting ((licensed in accordance with chapter 18.51 RCW as a nursing home, licensed in accordance with chapter 18.20 RCW as a boarding home for the aged; or)) certified as an IMR by the department in accordance with federal regulations. A state facility is a state-owned and operated residential habilitation center. A nonstate facility is a facility not owned and operated by the state and licensed in accordance with chapter 18.51 RCW as a nursing home or chapter 18.20 RCW as a boarding home.

(27) "Fair market value" – The price the asset would have been purchased for on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(28) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(29) "Generally accepted accounting principles" – Accounting principles currently approved by the financial accounting standard board (FASB).

(30) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable and tangible assets acquired. Also, the excess of the price paid for an asset over fair market value.

(31) "Habilitative services" – Those services required by the individual habilitation plan provided or directed by qualified therapists.

(32) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(33) "Imprest fund" – A fund regularly replenished in exactly the amount expended from the fund.

(34) "IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, IMR is a range of services required for the mentally retarded or persons with related conditions. When referring to a person, a recipient requiring IMR services.

(35) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(36) "Joint facility costs" – Any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

(37) "Levels of care" – The classification of levels of services provided to residents by a contractor, (e.g., levels A, B, C, D, and E).

(38) "Medicaid program" – The state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

(39) "Medical assistance recipient" – An individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

(40) "Nonallowable costs" – Same as "unallowable costs."

(41) "Nonrestricted funds" – Donated funds not restricted to a specific use by the donor, (e.g., general operating funds).

(42) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care, and/or IMR services are delivered.

(43) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(44) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(45) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

(46) "Per diem (per resident day) costs" – Total allowable costs for a fiscal period divided by total resident days for the same period.

(47) "Prospective daily payment rate" – The daily amount assigned to each contractor, determined by the department to be reasonable to meet the costs of providing services required by law if the contractor provides those services in an economical and efficient manner. Such a rate is a budget for maximum expenditures necessary to provide services required by law.

(48) "Qualified mental retardation professional (QMRP)" – A therapist approved by the department having specialized training and one year's experience in working with the mentally retarded or developmentally disabled.

(49) "Qualified therapist" – Any of the following:

(a) An activities specialist having specialized education, training, or experience as specified by the department.

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience.

(c) A dental hygienist as defined by chapter 18.29 RCW.

(d) A dietitian: Eligible for registration by the American dietetic association under requirements in effect on January 17, 1974; or having a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; having one year supervisory experience in the dietetic service of a health care institution; and participating annually in continuing dietetic education.

(e) An occupational therapist being a graduate of a program in occupational therapy, or having the equivalent of such education or training.

(f) A pharmacist as defined by chapter 18.64 RCW.

(g) A physical therapist as defined by chapter 18.74 RCW.

(h) A physician as defined by chapter 18.71 RCW or an osteopathic physician as defined by chapter 18.57 RCW.

(i) A psychologist as defined by chapter 18.83 RCW.

(j) A qualified mental retardation professional.

(k) A registered nurse as defined by chapter 18.88 RCW.

(l) A social worker who is a graduate of a school of social work.

(m) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience.

(50) "Recipient" – An eligible medical care recipient.

(51) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(52) "Regional services" – Local office division of developmental disabilities.

(53) "Related organization" – An entity which is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if one entity has a five percent or greater ownership interest in the other, or if an entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

(54) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; ((step-parent)) stepparent, ((step-child)) stepchild, ((step-brother)) stepbrother, ((step-sister)) stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

(55) "Resident day" – A calendar day of resident care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the resident was admitted on the same day. A resident is admitted for purposes of this definition when he or she is assigned a bed and a resident record is opened.

(56) "Resident living staff" – Staff whose primary responsibility is the care and development of the residents, including:

- (a) Resident activity program;
- (b) Domiciliary services; and/or
- (c) Habilitative services under the supervision of the QMRP.

(57) "Restricted fund" – A fund where the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

- (a) Funds restricted by the donor to specific operating purposes;
- (b) Funds restricted by the donor for additions to property, plant, and equipment; and
- (c) Endowment funds.

(58) "Secretary" – The secretary of DSHS.

(59) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first resident is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

(60) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(61) "Unallowable costs" – Costs not meeting every test of an allowable cost, as determined in WAC 275-38-680.

(62) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(63) "Vendor number" – A number assigned to each contractor delivering IMR services to IMR Medicaid recipients.

(64) "Working capital" – Total current assets necessary, ordinary, and related to resident care as reported in the most recent cost report minus total current liabilities necessary, ordinary, and related to resident care from the most recent cost report.

#### AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-535 DUE DATES FOR REPORTS. (1) Nonstate facilities' annual cost reports ((covering the complete fiscal)) for a calendar year shall be submitted ((within ninety days after the end of the fiscal)) by March 31st of the following year.

(2) State facilities' annual cost reports for a fiscal year shall be submitted by December 31st of that year.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

WAC 275-38-831 REIMBURSEMENT PRINCIPLES. ((The following principles are inherent in chapter 275-38 WAC:))

(1) Medicaid program reimbursement rates established under the provisions of this chapter shall be only for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations. ((The department may utilize chapter 275-38 WAC to reimburse state-funded contractors providing services in accordance with applicable state and federal definitions of IMR services.))

((2) Rates established shall be set prospectively on a per resident day basis.))

((3) Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.

((4) Rates established shall be the contractor's maximum compensation within each cost center for each resident day for each medical care recipient.)) (3) For nonstate facilities, final payment shall be the lower of their prospective rate or allowable costs.

(a) Prospective rates for nonstate facilities shall be determined in accordance with WAC 275-38-845, 275-38-846, 275-38-850, 275-38-860, 275-38-865, 275-38-868, 275-38-869, 275-38-870, 275-38-875, and 275-38-880.

(b) Final payments for nonstate facilities shall be determined in accordance with WAC 275-38-886.

(4) For state facilities, final payment shall be their allowable costs.

(a) Interim rates for state facilities shall be determined in accordance with WAC 275-38-846 and 275-38-890.

(b) Final payments for state facilities shall be determined in accordance with WAC 275-38-892.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

WAC 275-38-845 RATE DETERMINATION. (1) Each contractor's reimbursement rate will be determined prospectively at least once each calendar year to be effective July 1st.

(2) Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor. Prospective rates shall include an adjustment for inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates. The legislative inflation factors will be specified in division policy directive 406.

((For rates effective July 1, 1983, the resident care and rehabilitative services cost center rate, food cost center rate, and administration and operations cost center rate shall be adjusted for inflation. The inflation adjustment shall be based on a 2.5 percent factor. For rates based on a twelve-month calendar year cost report, 2.5 percent shall be applied to allowable costs. For rates based on a twelve-month fiscal year cost report, 2.92 percent shall be applied to allowable costs. For rates based on rates in effect as of January 1, 1983, 2.5 percent shall be applied to the January 1, 1983, rate. July 1, 1983, rates based on cost reports or rates covering a period other than specified in this subsection shall be adjusted to reflect the period covered by that report or rate.))

(3) Rates may be adjusted for:

(a) Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;

(b) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or

(c) Department changes in program standards or services; or

(d) Administrative review conducted pursuant to WAC 275-38-900 or 275-38-960.

(4) Adjustments for ((economic conditions or trends)) cost changes not otherwise specified in subsection (3) of this section shall be provided by means of an inflation adjustment pursuant to subsection (2) of this section.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

WAC 275-38-860 RESIDENT CARE AND HABILITATIVE SERVICES COST CENTER RATE. (1) ((The resident care and rehabilitative services cost center rate will reimburse for the necessary and ordinary costs of routine residential, rehabilitative, and nursing services in accordance with applicable state and federal laws and regulations.))

{2}\* [No text.]

(3) For determining the resident care and rehabilitative services rate, a facility shall be reimbursed for staff in accordance with the following staffing standard:

(a) Level A as required in WAC 275-38-045 (2)(a) and shall provide between 3.1 and 6.1 staffing hours per resident day;

(b) Level B as required in WAC 275-38-045 (2)(b) and shall provide between 2.7 and 5.4 staffing hours per resident day;

(c) Level C as required in WAC 275-38-045 (2)(c) and shall provide between 2.1 and 3.6 staffing hours per resident day;

(d) Level D as required in WAC 275-38-045 (2)(d) and shall provide between 1.2 and 2.4 staffing hours per resident day;

(e) Level E as required in WAC 275-38-045 (2)(e) and shall provide a maximum of 5.0 staffing hours per resident day, and

(f) For purposes of establishing the hourly staffing standard, the calculation of hours shall include resident care and training (RCT) staff, licensed nursing staff, qualified mental retardation professionals (QMRP), social work staff, and recreational services staff.

(4) Effective July 1, 1983, a facility's rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845). For C and D level facilities, the resident care and rehabilitative services cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and rehabilitative services cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will

also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and rehabilitative services cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation.

(b) A resident care and training (RCT) staff add-on shall be determined by multiplying the number of reimbursed RCT staff hours per resident day reported in the facility's 1983 cost report by sixty-one cents per hour.

(c) The amounts determined in subsections (3)(a) and (3)(b) of this section shall be summed to establish the facility's rate.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

WAC 275-38-865 FOOD COST CENTER RATE. (1) The food cost center rate will reimburse for the necessary and ordinary costs of bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) ((Effective July 1, 1983,)) A facility's food cost center rate shall be set at the ((January 1, 1983)) July 1, 1983, IMR food cost center rate, adjusted for inflation ((as specified in WAC 275-38-845)).

#### NEW SECTION

WAC 275-38-868 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to an IMR facility on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

(a) Actual compensation received; or

(b) The amount specified in division policy directive 403 corresponding to the number of set-up beds in the IMR facility. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty set-up beds in the IMR, at the lower of:

(a) Actual compensation received; or

(b) Seventy-five percent of the amount specified in division policy directive 403.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

(a) Actual compensation received; or

(b) Sixty percent of the amount specified in division policy directive 403.

(5) The cost of a licensed administrator, assistant administrator, or administrator-in-training is not an allowable expense in IMR facilities of fifteen beds or less. Administrative services will be provided by the QMRP in these facilities. Total compensation of wages and salaries for the QMRP will be allowable at the lower of:

(a) Actual compensation received; or

(b) The amount specified in division policy directive 403.

(6) If the licensed administrator, licensed assistant administrator, registered administrator-in-training, or QMRP regularly works fewer than forty hours per week, allowable compensation shall be the lower of:

(a) Actual compensation received, or

(b) The maximum amount allowed multiplied by the percentage derived by dividing actual hours worked by forty hours. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(7) The contractor shall maintain time records for the licensed administrator and for an assistant administrator, administrator-in-training, or QMRP, if any.

#### NEW SECTION

WAC 275-38-869 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the IMR facility as agent of the contractor, a copy of the agreement must be received by the department at least ninety days before the agreement is to become effective.

A copy of any amendment to a management agreement must also be received by the department at least ninety days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of facility residents, the ninety-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if:

(a) A written management agreement both creates a principal or agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates the services contracted for were actually delivered.

(3) To be allowable, fees must be for necessary, nonduplicative services. Allowable fees for general management services, including the portion of a management fee not allocated to specific services such as accounting, are limited to:

(a) The maximum allowable compensation under WAC 275-38-868 of the licensed administrator and, if the facility has at least eighty set-up beds, of an assistant administrator; less

(b) Actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 275-38-868 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed;

(c) For IMR facilities of fifteen or fewer beds, the maximum allowable compensation under WAC 275-38-868, less the actual compensation received by the QMRP.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent the fee does not exceed the lesser of:

(a) The limits set out in subsection (3) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to resident care and training under the agreement, or the cost of comparable services purchased elsewhere.

Where costs to the related organization represents joint facility costs, the measurement of such costs shall comply with WAC 275-38-868.

(5) Central office joint facility costs for general management services, including the portion of a management expense not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-870 ADMINISTRATION AND OPERATIONS COST CENTER RATE.** (1) The administration and operations cost center rate will include reimbursement for the necessary and ordinary costs of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) ((The administration and operations cost center rate is comprised of two rate components: Wage and nonwage. The wage component rate will reimburse for staff, excluding the administrator, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The nonwage component rate will reimburse for administrative and operations related costs not otherwise reimbursed in the wage component rate.))

((3) Effective July 1, 1983, a facility's wage component rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.))

((4) Effective July 1, 1983,)) A facility's ((nonwage component)) administration and operations rate shall be the lesser of:

(a) The facility's ((cost from their)) most recent desk-reviewed cost ((report divided by their total)) per resident ((days)) day, adjusted for inflation ((as specified in WAC 275-38-845)); or

(b) The eighty-fifth percentile ranking of ((IMR)) state and non-state facilities' ((costs from their)) most recent desk-reviewed cost ((report divided by their total)) per resident ((days)) day, adjusted for inflation ((as specified in WAC 275-38-845)). The ranking shall be based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-875 PROPERTY COST CENTER RATE.** ((Effective July 1, 1983,)) Property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-880 RETURN ON EQUITY.** (1) ((Effective July 1, 1983,)) The department will pay a return on equity to proprietary contractors.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations, except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.

(3) The contractor's net equity will be multiplied by twelve percent for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section, the contractor's return on equity rate for the rate period using the report shall be recalculated using the determinations of the field audit. Any payments in excess of the rate shall be refunded to the department as part of the settlement procedure established by WAC 275-38-886.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-886 SETTLEMENT.** (1) For the resident care and habilitation services cost center, food cost center, administration and operations cost center, and property cost center, payment to contractors shall not exceed the lower of the prospective rate or audited allowable cost. For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section.

(2) For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.

(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.

(b) No saving may be shifted in the property or return on equity cost centers.

(c) Effective July 1, 1984, no saving may be shifted out of the resident care and habilitative services cost center.

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal

and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit ((has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor)) is to be conducted.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor; or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date ((of)) the settlement report is submitted to the contractor.

#### NEW SECTION

**WAC 275-38-890 INTERIM RATE.** (1) A facility's interim rate shall be determined utilizing the most recent desk-reviewed costs per resident day. These costs may be adjusted to incorporate anticipated changes by the state legislature or department.

(2) A facility's interim rate may be adjusted for state legislative or department changes in program standards or services.

#### NEW SECTION

**WAC 275-38-892 FINAL PAYMENT.** (1) A settlement shall be determined to establish a facility's final payment. A settlement shall be calculated as follows:

(a) If a facility's allowable costs for the report period are greater than their interim payment, the amount owed the facility shall be the difference of cost minus interim payment.

(b) If a facility's allowable costs for the report period are less than their interim payments, the amount owed the department shall be the difference of rate minus cost.

(2) The settlement process shall consist of a preliminary settlement and a final settlement.

(3) The preliminary settlement process will be as follows:

(a) Facilities shall submit a proposed settlement report with their cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating the settlement amount.

(4) The final settlement process will be as follows:

(a) After completion of the audit process, the department shall submit a final settlement report to the facility substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) A preliminary settlement as issued by the department shall become the final settlement if an audit is not to be conducted.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) **WAC 275-38-730 MAXIMUM ALLOWABLE COMPEN-**

**SATION OF CERTAIN ADMINISTRATIVE PERSONNEL.**

(2) **WAC 275-38-740 MANAGEMENT AGREEMENTS,**

**MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES.**

#### **WSR 84-15-021**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

#### **(Institutions)**

[Order 2117—Filed July 11, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to IMR program and reimbursement system, amending chapter 275-38 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement the supplemental budget.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 6, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

#### AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

**WAC 275-38-001 TERMS.** Unless the context clearly requires otherwise, the following terms shall have

*the meaning set forth in this section when used in this chapter.*

(1) "Accrual method of accounting" – A method of accounting where revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period incurred, regardless of when paid.

(2) "Active treatment in institutions for the mentally retarded" requires the following:

(a) *The individual's regular participation, in accordance with an individual habilitation plan, in professionally developed and supervised activities, experiences, or therapies.*

(b) *A written individual habilitation plan setting forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapies necessary for the individual to reach the goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he or she can presently or potentially achieve.*

(c) *An interdisciplinary professional evaluation:*

(i) *Completed, for a recipient, before admission to the institution but not more than three months before, and for an individual applying for Medicaid after admission, before the institution requests payment;*

(ii) *Consisting of complete medical, social, psychological diagnosis and evaluations, and an evaluation of the individual's need for institutional care; and*

(iii) *Made by a physician, a social worker, and other professionals, at least one of whom is a qualified mental retardation professional.*

(d) *Reevaluation medically, socially, and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. The reevaluation must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his or her continuing need for institutional care, and consideration of alternate methods of care.*

(e) *An individual postinstitutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals.*

(3) "Allowable costs" – See WAC 275-38-680.

(4) "Appraisal" – The process of establishing the fair market value or reconstruction of the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The process includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(5) "Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller, where neither party is legally related to the other party by blood or under law, and having adverse positions in the market place. Sales or exchanges of IMR or

nursing home facilities among two or more parties where all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of ((a)) an IMR facility subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

(6) "Assets" – Economic resources of the contractor, recognized, and measured in conformity with generally accepted accounting principles. Assets also include deferred charges, not resources, but assets recognized and measured in accordance with generally accepted accounting principles.

(7) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

(8) "Beds" – Unless otherwise specified, the number of set-up beds in the IMR facility, not to exceed the number of licensed beds.

(9) "Beneficial owner" – Any person:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power including the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power including the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (9) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except, any person acquiring an ownership interest or power specified in subsection (9)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power.

(d) Any person in the ordinary course of business having a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary required to declare a default and determine the power to vote or to direct the vote or to dispose or to direct the disposition

of such pledged ownership interest will be exercised:  
**PROVIDED, That**

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (9) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such ((power(s))) power or powers pursuant to a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

(10) "Boarding home" – Means any home or other institution licensed in accordance with chapter 18.20 RCW.

(11) "Capitalization" – The recording of an expenditure as an asset.

(12) "Capitalized lease" – A lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" – A method of accounting where revenues are recognized only when cash is received, and expenditures are expensed, and asset items are not recorded until cash is disbursed.

(14) "Change of ownership" – A change in the individual or legal organization responsible for the daily operation of an IMR facility.

(a) Events changing ownership include but are not limited to the following:

(i) The form of legal organization of the owner is changed (such as a sole proprietor forms a partnership or corporation);

(ii) Title to the IMR enterprise is transferred by the contractor to another party;

(iii) The IMR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs dissolving the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following occurs:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, (i.e., subject to the contractor's general approval of daily operating decisions);

(ii) If the contractor is a corporation, some or all of the corporation's stock is transferred.

(15) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

(16) "Contract" – A contract between the department and a contractor for the delivery of IMR services to eligible Medicaid recipients in a facility and an entity responsible for operational decisions.

(17) "Contractor" – An entity contracting with the department to deliver IMR services to eligible Medicaid recipients.

(18) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" – The local community services office of the department.

(20) "DDD" – The division of developmental disabilities of the department.

(21) "Department" – The department of social and health services (DSHS) and employees.

(22) "Depreciation" – The systematic distribution of the cost or other base of a tangible asset less salvage, over the estimated useful life of the asset.

(23) "Donated asset" – An asset the contractor acquired without making any payment in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(24) "Entity" – An individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering enforceable contracts.

(25) "Equity capital" – Total tangible and other assets necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(26) "Facility" – ((An IMR)) A residential setting licensed in accordance with chapter 18.51 RCW as a nursing home, licensed in accordance with chapter 18.20 RCW as a boarding home for the aged, or) certified as an IMR by the department in accordance with federal regulations. A state facility is a state-owned and operated residential habilitation center. A nonstate facility is a facility not owned and operated by the state and licensed in accordance with chapter 18.51 RCW as a nursing home or chapter 18.20 RCW as a boarding home.

(27) "Fair market value" – The price the asset would have been purchased for on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(28) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(29) "Generally accepted accounting principles" – Accounting principles currently approved by the financial accounting standard board (FASB).

(30) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable and tangible assets acquired. Also, the excess of the price paid for an asset over fair market value.

(31) "Habilitative services" – Those services required by the individual habilitation plan provided or directed by qualified therapists.

(32) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(33) "Imprest fund" – A fund regularly replenished in exactly the amount expended from the fund.

(34) "IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, IMR is a range of services required for the mentally retarded or persons with related conditions. When referring to a person, a recipient requiring IMR services.

(35) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(36) "Joint facility costs" – Any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

(37) "Levels of care" – The classification of levels of services provided to residents by a contractor, (e.g., levels A, B, C, D<sub>1</sub> and E).

(38) "Medicaid program" – The state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

(39) "Medical assistance recipient" – An individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

(40) "Nonallowable costs" – Same as "unallowable costs."

(41) "Nonrestricted funds" – Donated funds not restricted to a specific use by the donor, (e.g., general operating funds).

(42) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care, and/or IMR services are delivered.

(43) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(44) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(45) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

(46) "Per diem (per resident day) costs" – Total allowable costs for a fiscal period divided by total resident days for the same period.

(47) "Prospective daily payment rate" – The daily amount assigned to each contractor, determined by the department to be reasonable to meet the costs of providing services required by law if the contractor provides those services in an economical and efficient manner. Such a rate is a budget for maximum expenditures necessary to provide services required by law.

(48) "Qualified mental retardation professional (QMRP)" – A therapist approved by the department having specialized training and one year's experience in working with the mentally retarded or developmentally disabled.

(49) "Qualified therapist" – Any of the following:

(a) An activities specialist having specialized education, training, or experience as specified by the department.

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience.

(c) A dental hygienist as defined by chapter 18.29 RCW.

(d) A dietitian: Eligible for registration by the American dietetic association under requirements in effect on January 17, 1974; or having a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; having one year supervisory experience in the dietetic service of a health care institution; and participating annually in continuing dietetic education.

(e) An occupational therapist being a graduate of a program in occupational therapy, or having the equivalent of such education or training.

(f) A pharmacist as defined by chapter 18.64 RCW.

(g) A physical therapist as defined by chapter 18.74 RCW.

(h) A physician as defined by chapter 18.71 RCW or an osteopathic physician as defined by chapter 18.57 RCW.

(i) A psychologist as defined by chapter 18.83 RCW.

(j) A qualified mental retardation professional.

(k) A registered nurse as defined by chapter 18.88 RCW.

(l) A social worker who is a graduate of a school of social work.

(m) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience.

(50) "Recipient" – An eligible medical care recipient.

(51) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(52) "Regional services" – Local office division of developmental disabilities.

(53) "Related organization" – An entity which is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if one entity has a five percent or greater ownership interest in the other, or if an entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

(54) "Relative" – Spouse, natural parent, child, or sibling; adopted child or adoptive parent; ((step-parent)) stepparent, ((step-child)) stepchild, ((step-brother)) stepbrother, ((step-sister)) stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

(55) "Resident day" – A calendar day of resident care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the resident was admitted on the same day. A resident is admitted for purposes of this

definition when he or she is assigned a bed and a resident record is opened.

(56) "Resident living staff" – Staff whose primary responsibility is the care and development of the residents, including:

- (a) Resident activity program;
- (b) Domiciliary services; and/or
- (c) Habilitative services under the supervision of the QMRP.

(57) "Restricted fund" – A fund where the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

- (a) Funds restricted by the donor to specific operating purposes;
- (b) Funds restricted by the donor for additions to property, plant, and equipment; and
- (c) Endowment funds.

(58) "Secretary" – The secretary of DSHS.

(59) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first resident is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

(60) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(61) "Unallowable costs" – Costs not meeting every test of an allowable cost, as determined in WAC 275-38-680.

(62) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(63) "Vendor number" – A number assigned to each contractor delivering IMR services to IMR Medicaid recipients.

(64) "Working capital" – Total current assets necessary, ordinary, and related to resident care as reported in the most recent cost report minus total current liabilities necessary, ordinary, and related to resident care from the most recent cost report.

#### AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

##### WAC 275-38-535 DUE DATES FOR REPORTS.

(1) Nonstate facilities' annual cost reports ((covering the complete fiscal)) for a calendar year shall be submitted ((within ninety days after the end of the fiscal)) by March 31st of the following year.

(2) State facilities' annual cost reports for a fiscal year shall be submitted by December 31st of that year.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

##### WAC 275-38-831 REIMBURSEMENT PRINCIPLES. ((The following principles are inherent in chapter 275-38 WAC.))

(1) Medicaid program reimbursement rates established under the provisions of this chapter shall be only

for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations. ((The department may utilize chapter 275-38 WAC to reimburse state-funded contractors providing services in accordance with applicable state and federal definitions of IMR services.))

(2) ((Rates established shall be set prospectively on a per resident day basis.

((3))) Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.

((4)) Rates established shall be the contractor's maximum compensation within each cost center for each resident day for each medical care recipient) (3) For nonstate facilities, final payment shall be the lower of their prospective rate or allowable costs.

(a) Prospective rates for nonstate facilities shall be determined in accordance with WAC 275-38-845, 275-38-846, 275-38-850, 275-38-860, 275-38-865, 275-38-868, 275-38-869, 275-38-870, 275-38-875, and 275-38-880.

(b) Final payments for nonstate facilities shall be determined in accordance with WAC 275-38-886.

(4) For state facilities, final payment shall be their allowable costs.

(a) Interim rates for state facilities shall be determined in accordance with WAC 275-38-846 and 275-38-890.

(b) Final payments for state facilities shall be determined in accordance with WAC 275-38-892.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

##### WAC 275-38-845 RATE DETERMINATION.

(1) Each contractor's reimbursement rate will be determined prospectively at least once each calendar year to be effective July 1st.

(2) Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor. Prospective rates shall include an adjustment for inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates. The legislative inflation factors will be specified in division policy directive 406.

((For rates effective July 1, 1983, the resident care and habilitative services cost center rate, food cost center rate, and administration and operations cost center rate shall be adjusted for inflation. The inflation adjustment shall be based on a 2.5 percent factor. For rates based on a twelve-month calendar year cost report, 2.5 percent shall be applied to allowable costs. For rates based on a twelve-month fiscal year cost report, 2.92 percent shall be applied to allowable costs. For rates based on rates in effect as of January 1, 1983, 2.5 percent shall be applied to the January 1, 1983, rate. July 1, 1983, rates based on cost reports or rates covering a period other than

~~specified in this subsection shall be adjusted to reflect the period covered by that report or rate.)~~

(3) Rates may be adjusted for:

(a) Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;

(b) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or

(c) Department changes in program standards or services; or

(d) Administrative review conducted pursuant to WAC 275-38-900 or 275-38-960.

(4) Adjustments for ((economic conditions or trends)) cost changes not otherwise specified in subsection (3) of this section shall be provided by means of an inflation adjustment pursuant to subsection (2) of this section.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-860 RESIDENT CARE AND HABILITATIVE SERVICES COST CENTER RATE.** (1) ((The resident care and rehabilitative services cost center rate will reimburse for the necessary and ordinary costs of routine residential, rehabilitative, and nursing services in accordance with applicable state and federal laws and regulations:))

{2}\* {No text.}

(3) For determining the resident care and rehabilitative services rate, a facility shall be reimbursed for staff in accordance with the following staffing standard:

(a) Level A as required in WAC 275-38-045 (2)(a) and shall provide between 3.1 and 6.1 staffing hours per resident day;

(b) Level B as required in WAC 275-38-045 (2)(b) and shall provide between 2.7 and 5.4 staffing hours per resident day;

(c) Level C as required in WAC 275-38-045 (2)(c) and shall provide between 2.1 and 3.6 staffing hours per resident day;

(d) Level D as required in WAC 275-38-045 (2)(d) and shall provide between 1.2 and 2.4 staffing hours per resident day;

(e) Level E as required in WAC 275-38-045 (2)(e) and shall provide a maximum of 5.0 staffing hours per resident day; and

(f) For purposes of establishing the hourly staffing standard, the calculation of hours shall include resident care and training (RCT) staff, licensed nursing staff, qualified mental retardation professionals (QMRP), social work staff, and recreational services staff.

(4) Effective July 1, 1983, a facility's rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845)) For C and D level facilities, the resident care and rehabilitative services cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and rehabilitative services cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and rehabilitative services cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation.

(b) A resident care and training (RCT) staff add-on shall be determined by multiplying the number of reimbursed RCT staff hours per resident day reported in the facility's 1983 cost report by sixty-one cents per hour.

(c) The amounts determined in subsections (3)(a) and (3)(b) of this section shall be summed to establish the facility's rate.

#### AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-865 FOOD COST CENTER RATE.** (1) The food cost center rate will reimburse for the necessary and ordinary costs of bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) ((Effective July 1, 1983;)) A facility's food cost center rate shall be set at the ((January 1, 1983)) July 1, 1983, IMR food cost center rate, adjusted for inflation ((as specified in WAC 275-38-845)).

#### NEW SECTION

**WAC 275-38-868 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.** (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to an IMR facility on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

(a) Actual compensation received; or

(b) The amount specified in division policy directive 403 corresponding to the number of set-up beds in the IMR facility. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty set-up beds in the IMR, at the lower of:

(a) Actual compensation received; or

(b) Seventy-five percent of the amount specified in division policy directive 403.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

(a) Actual compensation received; or

(b) Sixty percent of the amount specified in division policy directive 403.

(5) The cost of a licensed administrator, assistant administrator, or administrator-in-training is not an allowable expense in IMR facilities of fifteen beds or less. Administrative services will be provided by the QMRP in these facilities. Total compensation of wages and salaries for the QMRP will be allowable at the lower of:

- (a) Actual compensation received; or
- (b) The amount specified in division policy directive 403.

(6) If the licensed administrator, licensed assistant administrator, registered administrator-in-training, or QMRP regularly works fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or
- (b) The maximum amount allowed multiplied by the percentage derived by dividing actual hours worked by forty hours. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(7) The contractor shall maintain time records for the licensed administrator and for an assistant administrator, administrator-in-training, or QMRP, if any.

## NEW SECTION

**WAC 275-38-869 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES.** (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the IMR facility as agent of the contractor, a copy of the agreement must be received by the department at least ninety days before the agreement is to become effective. A copy of any amendment to a management agreement must also be received by the department at least ninety days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of facility residents, the ninety-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if:

(a) A written management agreement both creates a principal or agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager, and

(b) Documentation demonstrates the services contracted for were actually delivered.

(3) To be allowable, fees must be for necessary, non-duplicative services. Allowable fees for general management services, including the portion of a management fee not allocated to specific services such as accounting, are limited to:

(a) The maximum allowable compensation under WAC 275-38-868 of the licensed administrator and, if the facility has at least eighty set-up beds, of an assistant administrator, less

(b) Actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 275-38-868 for a facility with at least eighty set-

up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed;

(c) For IMR facilities of fifteen or fewer beds, the maximum allowable compensation under WAC 275-38-868, less the actual compensation received by the QMRP.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent the fee does not exceed the lesser of:

(a) The limits set out in subsection (3) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to resident care and training under the agreement, or the cost of comparable services purchased elsewhere.

Where costs to the related organization represents joint facility costs, the measurement of such costs shall comply with WAC 275-38-868.

(5) Central office joint facility costs for general management services, including the portion of a management expense not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

## AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-870 ADMINISTRATION AND OPERATIONS COST CENTER RATE.** (1) The administration and operations cost center rate will include reimbursement for the necessary and ordinary costs of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) ((The administration and operations cost center rate is comprised of two rate components: Wage and nonwage. The wage component rate will reimburse for staff, excluding the administrator, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The nonwage component rate will reimburse for administrative and operations related costs not otherwise reimbursed in the wage component rate.))

(3) Effective July 1, 1983, a facility's wage component rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.

(4) Effective July 1, 1983,)) A facility's ((nonwage component)) administration and operations rate shall be the lesser of:

(a) The facility's ((cost from their)) most recent desk-reviewed cost ((report divided by their total)) per resident ((days)) day, adjusted for inflation ((as specified in WAC 275-38-845)); or

(b) The eighty-fifth percentile ranking of ((IMR)) state and nonstate facilities' ((costs from their)) most recent desk-reviewed cost ((report divided by their total)) per resident ((days)) day, adjusted for inflation ((as specified in WAC 275-38-845)). The ranking shall be

based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period.

AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-875 PROPERTY COST CENTER RATE.** ((Effective July 1, 1983,)) Property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-880 RETURN ON EQUITY.** ((Effective July 1, 1983,)) The department will pay a return on equity to proprietary contractors.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations, except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.

(3) The contractor's net equity will be multiplied by twelve percent for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section, the contractor's return on equity rate for the rate period using the report shall be recalculated using the determinations of the field audit. Any payments in excess of the rate shall be refunded to the department as

part of the settlement procedure established by WAC 275-38-886.

AMENDATORY SECTION (Amending Order 2012, filed 8/19/83)

**WAC 275-38-886 SETTLEMENT.** (1) For the resident care and habilitation services cost center, food cost center, administration and operations cost center, and property cost center, payment to contractors shall not exceed the lower of the prospective rate or audited allowable cost. For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section.

(2) For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.

(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.

(b) No saving may be shifted in the property or return on equity cost centers.

(c) Effective July 1, 1984, no saving may be shifted out of the resident care and habilitative services cost center.

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit ((has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor)) is to be conducted.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day

period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor, or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date ((of)) the settlement report is submitted to the contractor.

#### NEW SECTION

**WAC 275-38-890 INTERIM RATE.** (1) A facility's interim rate shall be determined utilizing the most recent desk-reviewed costs per resident day. These costs may be adjusted to incorporate anticipated changes by the state legislature or department.

(2) A facility's interim rate may be adjusted for state legislative or department changes in program standards or services.

#### NEW SECTION

**WAC 275-38-892 FINAL PAYMENT.** (1) A settlement shall be determined to establish a facility's final payment. A settlement shall be calculated as follows:

(a) If a facility's allowable costs for the report period are greater than their interim payment, the amount owed the facility shall be the difference of cost minus interim payment.

(b) If a facility's allowable costs for the report period are less than their interim payments, the amount owed the department shall be the difference of rate minus cost.

(2) The settlement process shall consist of a preliminary settlement and a final settlement.

(3) The preliminary settlement process will be as follows:

(a) Facilities shall submit a proposed settlement report with their cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating the settlement amount.

(4) The final settlement process will be as follows:

(a) After completion of the audit process, the department shall submit a final settlement report to the facility substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) A preliminary settlement as issued by the department shall become the final settlement if an audit is not to be conducted.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 275-38-730 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.

(2) WAC 275-38-740 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES.

#### WSR 84-15-022

#### NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—July 6, 1984]

The following dates are scheduled for regular meetings of the board of regents. Meetings will be held on campus, unless otherwise noted:

Friday	July 20 — 1984
•	August 17
•	September 21
•	October 19
•	November 16 (in Spokane)
Thursday	December 6 (Note: Previously announced for December 7)
Friday	January 18, 1985
•	February 8
•	March 15

#### WSR 84-15-023

#### ADOPTED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-215, Cause No. TC-1786—Filed July 11, 1984]

In the matter of amending chapter 480-30 WAC relating to auto transportation companies and excursion

service companies, WAC 480-149-060 relating to passenger tariffs, and WAC 480-149-070 relating to excursion and temporarily reduced one-way tariffs.

This action is taken pursuant to Notice No. WSR 84-12-081 filed with the code reviser on June 6, 1984. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 84-12-081 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Commissioners Mary D. Hall and A. J. "Bud" Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 6, 1984. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the July 11, 1984, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. Chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 as amended will define "between fixed termini or over a regular route" for auto transportation companies, establish procedures and standards applicable to excursion service companies and assure that such companies are subject to passenger tariffs as well as temporarily reduced one-way tariffs.

## ORDER

WHEREFORE, IT IS ORDERED That chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 11th day of July, 1984.

Washington Utilities and Transportation Commission  
Mary D. Hall, Commissioner  
A. J. "Bud" Pardini, Commissioner

## APPENDIX "A"

### AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate ((~~of public convenience and necessity~~)) authorized to be issued to an auto transportation company or an excursion service company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town. ((The term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, or any other carrier which does not come within the term "auto transportation company" as defined by RCW 81.68.010.

The term "auto transportation company" shall not include commuter ride-sharing or ride-sharing for the elderly and the handicapped so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

((8))) (9) "Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

((10) "Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.

((11) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" or "excursion service company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company or excursion service company certificated under chapter 81.68 RCW.

((12)) (13) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

((13))) (14) The term "elderly" shall mean any person sixty years of age or older.

((14))) (15) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory

persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semi-ambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-020 LICENSES, AND RULES AND REGULATIONS. No motor vehicle ((shall)) may be operated upon the public highways of this state by any auto transportation company or excursion service company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

#### AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES AND EXCURSION SERVICE COMPANIES. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public interest: PROVIDED, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection (12) of this section.

((3)) (3) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

((3))) (4) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at

all times to inspection by the authorized representatives of the commission.

((4)) (5) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

((5)) (6) Every auto transportation company and excursion service company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

((6)) (7) All auto transportation companies and excursion service companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

((7)) (8) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

((8)) (9) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. ((No certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments, that may be presented to him within sixty days after the date of the transfer. The agreement herein provided must be included in the application to transfer.)) Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ((8)) (10) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

((8)) (10) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ((10)) (12) of this section.

((9)) (11) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ((10)) (12) of this section.

((10)) (12) Miscellaneous fees:

Application for certificate ((of public convenience and necessity)) . . . . .	\$150.00
Application for extension of service, line or route under a certificate . . . . .	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein . . . . .	150.00
Application for authority to mortgage a certificate . . . . .	35.00
Application for issuance of a duplicate certificate . . . . .	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

((11)) (13) All applications for the issuance of a duplicate certification ((of public convenience and necessity)) must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

((12)) (14) Whenever an order is entered by the commission revoking a previous order granting a certificate ((of public convenience and necessary)), or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

((13)) (15) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-040 EXPRESS. (1) All auto transportation companies transporting express are required to issue at the time of accepting shipment an express receipt covering each express shipment. Such express receipt must be itemized to show:

- (a) Name of carrier.
- (b) Point of origin and date of shipment.
- (c) Shipper.
- (d) Consignee.
- (e) Destination.
- (f) Routing optional.
- (g) Number of packages.
- (h) Description of articles.
- (i) Weight.
- (j) Rate.
- (k) Express charges.
- (l) Advance charges.
- (m) Prepaid charges.
- (n) C.O.D. charges.
- (o) Total to collect.
- (p) Signature of auto transportation company or its agent.
- (q) Signature of shipper.

Not less than three copies of such express receipt must be issued, one to be given to the shipper, one copy to be retained by the auto transportation company, and in cases where such auto transportation company does not issue an expense bill covering such shipment, one copy of the express receipt shall be delivered to the consignee, or connecting line carrier.

Copies of express receipts retained by the auto transportation company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the commission.

No auto transportation company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No auto transportation company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No auto transportation company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives; black, brown or smokeless powders, ammunition (other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naptha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film ((is)) in passenger-carrying vehicles of auto transportation companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal rules and regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service

nor use the word "express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service.

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-050 TARIFF, NAMING RATES AND FARES. (1) Every auto transportation company and excursion service company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington ((98501)) 98504."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies and excursion service companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company or excursion service company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

**AMENDATORY SECTION** (Amending Order R-5,  
filed 6/6/69, effective 10/9/69)

**WAC 480-30-060 SCHEDULE OF TIME AND ROUTE.** (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line								(Certificate No. 88)
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere								
Issued June 8, 1967 Issued by Walter A. Keys Title, Owner and Manager St. Address, 123 So. Wenatchee Ave. City and State, Wenatchee, Washington								Effective June 10, 1967
M. V. L. S. N. No. 400 Dated June 8, 1967								Authority

WESTBOUND								
Mile- age	From Wenatchee to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Wenatchee .....	Lv. 7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge .....	" 7:05	8:35	1:05	1:38	3:38	5:38	9:38
3.3	Olds Corner .....	" 7:09	8:39	11:09	1:40	3:40	5:40	9:40
4.4	Sunnyslope Bridge .....	" 7:12	8:42	11:12	1:43	3:43	5:42	9:42
6.0	Burkeys Corner .....	" 7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O. ....	" 7:23	8:53	11:23	1:53	3:53	5:53	9:53
8.3	Red Bridge .....	" 7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere .....	Ar. 7:40	9:10	11:40	2:10	4:10	6:10	10:10

EASTBOUND								
Mile- age	From Cashmere to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Cashmere .....	Lv. 8:00	9:30	12:30	2:30	4:30	6:20	10:15
3.1	Red Bridge .....	" 8:11	9:41	1:41	2:41	4:41	6:31	10:26
4.4	Monitor P. O. ....	" 8:16	9:46	12:46	2:46	4:46	6:31	10:21
6.5	Burkeys Corner .....	" 8:22	9:52	12:52	2:52	4:53	6:43	10:27
8.1	Sunnyslope Bridge .....	" 8:28	9:59	12:59	2:59	4:59	6:49	10:44
9.2	Olds Corner .....	" 8:31	10:01	1:01	3:01	5:01	6:51	10:46
9.8	Wenatchee River Bridge .....	" 8:37	10:02	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee .....	Ar. 8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

TIME SCHEDULE of Walter A. Keys, Operating under Trade Name of Wenatchee-Cashmere Stage Line								(Certificate No. 88)
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE Between Wenatchee, Wash., and Cashmere, Wash. With Terminal Depots at 123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere via the following route: West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere								
Issued June 8, 1967 Issued by Walter A. Keys Title, Owner and Manager St. Address, 123 So. Wenatchee Ave. City and State, Wenatchee, Wash.								Effective June 23, 1967
M. V. L. S. N. No. 400 Dated June 8, 1967								Authority

Leave Wenatchee Read Down								Leave Cashmere Read Up
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.	
AM	PM	PM			AM	PM	PM	
Ly. 11:00	1:30	5:30	0.0	Wenatchee .....	Ar. 10:40	1:10	5:10	
" 11:05	1:35	5:35	1.7	Wenatchee River Bridge .....	Ly. 10:32	1:02	5:02	
" 11:09	1:39	5:39	3.3	Olds Corner .....	" 10:31	1:01	5:01	
" 11:12	1:42	5:42	4.6	Sunnyslope .....	" 10:28	1:00	5:00	
" 11:16	1:46	5:46	6.1	Burkeys .....	" 10:25	1:00	5:00	
" 11:20	1:49	5:49	8.1	Monitor P. O. ....	" 10:16	1:00	5:00	
" 11:29	1:59	6:59	9.3	Red Bridge .....	" 10:11	1:00	5:00	
Ar. 11:40	2:10	7:10	12.5	Cashmere .....	Lv. 10:00	12:30	4:30	

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase

or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington, ((98501)) 98504."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No. ...., dated .....

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that

the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

(10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules.

#### AMENDATORY SECTION (Amending Order R-109, filed 10/19/77)

WAC 480-30-070 LIABILITY AND PROPERTY DAMAGE INSURANCE OR SURETY BOND. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we ..... of the City of ..... State of Washington, as principal, and ..... a corporation organized and existing under and by virtue of the Laws of ...., and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do

hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this ..... day of ..... 19...

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company or excursion service company (principal herein) under and by virtue of its certificate ((of Public Convenience and Necessity)) granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

#### SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

For any recovery for personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....

Principal

.....

.....

Surety

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-090 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in

accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a certificate ((of public convenience and necessity)), shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

"W.U.T.C.  
No. ...."

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the company number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules.

AMENDATORY SECTION (Amending Order R-197, Cause No. TC-1684, filed 2/23/83)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws

and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible

for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company or excursion service company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: PROVIDED, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

(8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation ((companies)) company or excursion service company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies

of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies or excursion service companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

#### AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

**WAC 480-30-110 FEES AND GROSS OPERATING REVENUE.** (1) Auto transportation companies or excursion service companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission ((in duplicate)) a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24-.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. EXCEPTION: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its **FIXED CAPITAL ACCOUNTS**.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **FIXED CAPITAL ACCOUNTS** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used EXCLUSIVELY in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are OWNED by the reporting company.

D—Rentals received from other transportation companies for the right to use stations OWNED by the reporting company, used in its auto transportation operations and included in the **FIXED CAPITAL ACCOUNTS** thereof.

E—Revenue received from advertising in stations and cars.

The ((total)) intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the

transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.

(4) Nonoperating revenue: Is that revenue received as a return on property OWNED by the reporting company, the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the FIXED CAPITAL ACCOUNTS of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

#### AMENDATORY SECTION (Amending Order R-156, Cause No. TC-1421, filed 1/28/81)

**WAC 480-30-120 UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS.** (1) The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies and excursion service companies in the state of Washington, operating under chapter 81.68 RCW. A uniform system of accounts is hereby adopted and prescribed for the use of Class II and Class III auto transportation companies and excursion service companies in the state of Washington. Said uniform system of accounts is entitled "uniform system of accounts for Class II auto transportation companies operating under certificates ((of public convenience and necessity)) and Appendix 'A' uniform system of accounts for Class III auto transportation companies((, effective January 1, 1961)) and excursion service companies."

(2) The various auto transportation companies and excursion service companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

- |       |   |
|-------|---|
| Class | I. Those having average annual gross operating revenue of \$3,000,000 or over.                          |
| Class | II. Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000. |
| Class | III. Those having average annual gross operating revenue less than \$200,000.                           |

(3) Each auto transportation company and excursion service company must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) hereof, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) ((hereof)) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company and excursion service company must secure from the commission two copies of the form of annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) must be filed immediately covering the period from the first of the year to the date on which the auto transportation company or excursion service company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company or excursion service company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company and excursion service company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

**WAC 480-30-130 RULES AND REGULATIONS—GENERAL APPLICATION.** (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the

commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington ((98501)) 98504; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

#### AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

**WAC 480-149-060 PASSENGER TARIFFS.** Passenger tariffs shall contain: (1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlined in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies and excursion service companies, must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

#### AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

**WAC 480-149-070 EXCURSION SERVICE COMPANY AND TEMPORARILY REDUCED ONE-WAY TARIFFS.** (1) Round trip excursion fares limited to a designated period of not more than thirty days may be established, without further notice, upon posting a tariff for the information of the public one day in advance at each point where such excursion tickets are sold, and filing one copy thereof one day in advance with the commission.

(2) Round trip excursion tariffs covering a period exceeding thirty days will require full thirty days' notice to the public and to the commission, unless in special cases shorter time is authorized.

(3) The term "limited to a designated period" used above is construed to cover the period between the date on which the transportation can first be used and the last date upon which tickets sold under such tariff will be honored for return passage.

(4) Tariffs covering temporarily reduced one-way fares may not be issued except upon special permission from the commission.

(5) Round trip party excursion tariffs shall provide as follows: "Unused tickets may be redeemed only on the basis of a minimum payment for the tickets used."

(6) The above rules are in addition to WAC 480-149-060 and in addition to the general rules of this circular insofar as they apply to ((passenger)) excursion ((operations)) service companies.

#### WSR 84-15-024

#### ADOPTED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-216, Cause No. TCH-1787—Filed July 11, 1984]

In the matter of amending WAC 480-40-080 relating to fees and gross operating revenue of charter party carriers of passengers.

This action is taken pursuant to Notice No. WSR 84-12-077 filed with the code reviser on June 6, 1984. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.70.130 and is intended administratively to implement these statutes.

The rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 84-12-077 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Commissioners Mary D. Hall and A. J. "Bud" Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 6, 1984. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the July 11, 1984, meeting the commission considered the rule change proposal. No written comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-40-080 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-40-080 as amended will reflect regulatory fees consistent with the provisions of RCW 81.70.180.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-40-080 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 11th day of July, 1984.

Washington Utilities and Transportation Commission  
Mary D. Hall, Commissioner  
A. J. "Bud" Pardini, Commissioner

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-080 FEES AND GROSS OPERATING REVENUE. (1) Charter party carriers of passengers shall, between the first and fifteenth days of January, April, July and October of each year file with the commission ((in duplicate)) a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of ((2/5)) four-fifths of ((+%)) one percent of the gross operating revenue derived from intrastate charter operations or such other fee as may be prescribed by order of the commission, as provided in chapter 81.70 RCW; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. Forms are distributed by the commission.

#### WSR 84-15-025

##### ADOPTED RULES

##### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-26—Filed July 11, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Transportation—State allocation for operations, chapter 392-141 WAC.

This action is taken pursuant to Notice No. WSR 84-12-002 filed with the code reviser on May 24, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-170 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 11, 1984.

By Frank B. Brouillet  
Superintendent of Public Instruction

#### Chapter 392-141 WAC TRANSPORTATION—((AUTHORITY AND STATE REIMBURSEMENT))STATE ALLOCATION FOR OPERATIONS

#### NEW SECTION

WAC 392-141-105 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter 28A.41 RCW, which includes student transportation programs, and RCW 28A.24.100, which authorizes the superintendent of public instruction to adopt rules and regulations for individual and in-lieu transportation arrangements.

#### NEW SECTION

WAC 392-141-110 PURPOSE. The purpose of this chapter is to implement and establish policies and procedures for the allocation of pupil transportation operation funds.

#### NEW SECTION

WAC 392-141-115 DEFINITION—ELIGIBLE STUDENT. As used in this chapter "eligible student" shall mean any student who is served by transportation or for whom compensation is provided pursuant to RCW 28A.24.100 who meets at least one of the following:

(1) In the case of students transported by bus:

(a) A student whose route stop is more than one radius mile from the student's school of attendance or learning center or transfer route stop;

(b) A student whose school of attendance is more than one radius mile from his learning center or transfer route stop;

(c) A student whose route stop is established because of one or more hazardous walking conditions in accordance with WAC 392-141-175 and is one radius mile or less from the school of attendance or learning center;

(d) A student who is handicapped as defined by RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her own welfare while traveling to or from school or agency where special education services are provided and is one radius mile or less from the school of attendance or learning center.

(2) In the case of students for whom transportation arrangements are made pursuant to RCW 28A.24.100:

(a) A student whose residence is more than one radius mile from the route stop or school of attendance or transfer route stop;

(b) A student who is handicapped as defined in RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her welfare while traveling either to the school or agency where special education services are provided or to the appropriate route stop.

#### NEW SECTION

**WAC 392-141-120 DEFINITION—TO AND FROM SCHOOL.** As used in this chapter the term "to and from school" shall mean all transportation between route stops and schools both before and after school and between schools and learning centers or agencies that meet the criteria established by WAC 392-141-180.

Transportation not authorized for state allocations shall include, but not be limited to, such transportation activities as transportation designed exclusively for extended day, field trips, and extracurricular activities.

#### NEW SECTION

**WAC 392-141-125 DEFINITION—HAZARDOUS WALKING CONDITION.** As used in this chapter the term "hazardous walking conditions" shall mean the existence of walkways which meet one or more of the conditions established pursuant to WAC 392-141-175.

#### NEW SECTION

**WAC 392-141-130 DEFINITION—STANDARD STUDENT MILE ALLOCATION RATE.** As used in this chapter the term "standard student mile allocation rate" shall mean the per weighted student unit allocation amount established by the legislature either directly or through the adopted budget.

#### NEW SECTION

**WAC 392-141-140 DEFINITION—RADIUS MILE.** As used in this chapter the term "radius mile" shall mean the straight line distance representing one mile measured between two points on a map, e.g., route stop and school of attendance, submitted to the superintendent of public instruction.

#### NEW SECTION

**WAC 392-141-145 DEFINITION—SMALL FLEET MAINTENANCE FACTOR.** As used in this chapter the term "small fleet maintenance factor" shall mean a monetary amount established through the legislative budget process which shall be added to the standard student mile allocation rate for districts that operate ten school buses or less on routes as reported on forms pursuant to WAC 392-141-160.

#### NEW SECTION

**WAC 392-141-150 DEFINITION—MIDDAY TRANSPORTATION.** As used in this chapter the term "midday transportation" shall mean a separate route exclusively for kindergarten and younger students that is operated between the beginning and end of the regular school day.

#### NEW SECTION

**WAC 392-141-155 DEFINITION—WEIGHTED STUDENT UNIT.** As used in this chapter the term "weighted student unit" shall mean the value assigned to each student for allocation purposes based upon the radius mile interval in which each student's route stop is located as delineated in WAC 392-141-170(3) and (4), if appropriate.

#### NEW SECTION

**WAC 392-141-160 DISTRICT REPORTING REQUIREMENTS.** Annual and supplementary reports shall be submitted by districts to the superintendent of public instruction as follows:

(1) Each district shall submit an annual report to the superintendent of public instruction which shall include:

(a) All required data, on forms supplied by the superintendent of public instruction, which includes the following:

(i) School bus route logs which bus drivers must complete for five consecutive days as specified by the superintendent of public instruction. These logs include state school bus numbers, each bus stop and the destination schools, learning centers, or agencies;

(ii) An annual school bus mileage report which includes each school bus by state school bus number and the beginning year and ending year odometer reading and the total miles for each bus for the school year; and

(iii) An annual to and from school mileage report which includes last year's actual mileage for to and from school and an estimate of the to and from school mileage for the current school year. This report shall exclude miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses.

(b) Maps showing student route stop locations and school, learning center, or agency locations shall be in a format in accordance with instructions published in bulletins by the superintendent of public instruction.

(c) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district, shall be included.

(2) Each of the annual reports shall be submitted to the superintendent of public instruction prior to the second Monday in October. The school bus route log data shall be collected on five consecutive school days selected by each district to allow compliance with reporting requirements.

(3) Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations.

#### NEW SECTION

**WAC 392-141-165 ADJUSTMENT OF STATE ALLOCATION DURING YEAR.** Districts experiencing a ten percent increase in eligible students transported which is maintained for at least twenty consecutive school days may be eligible for an additional allocation under the following conditions:

(1) Any district may submit revised annual reports subject to the following conditions:

(a) If the number of eligible students transported increases ten percent or more from the October report; and

(b) The ten percent increase is maintained for a period of twenty consecutive school days.

(2) Revised reports shall use methods, forms, procedures, and techniques required in WAC 392-141-160 and shall be based on data collected for twenty consecutive school days.

(3) The district submitting the revised report shall document the first date that the ten percent increase occurred.

(4) The adjusted allocation is subject to available revenue and such adjustment shall not be made until the July allocation for the school year.

#### NEW SECTION

**WAC 392-141-170 FACTORS USED TO DETERMINE ALLOCATION.** The method of determining the transportation operation allocation for each district shall be based on the following factors:

(1) The number of eligible students transported as defined in WAC 392-141-115;

(2) The distances from route stops to the destination schools, transfer route stops, learning centers, or agencies measured in radius miles; and

(3) The following distance weighting factors per radius mile interval. Each eligible route stop shall be placed in the appropriate radius mile interval and assigned a distance weighting factor as listed below. The appropriate distance interval shall be measured on a straight line basis between route stops and schools, transfer route stops, learning centers, or agencies.

Distance Intervals in Radius Miles More Than	Up To And Including	Distance Weighting Factors
0	1	2.85
1	2	3.20
2	3	3.55
3	4	3.90
4	5	4.25
5	6	4.60
6	7	4.97
7	8	5.30

8	9	5.65
9	10	6.00
10	11	6.36
11	12	6.71
12	13	7.07
13	14	7.43
14	15	7.79
15	16	8.13
16	17 and OVER	8.50

(4) Additional differential factors when appropriate shall include the following:

(a) A minimum load factor for districts that have an average of less than fifty students transported per bus for all morning (i.e., before noon) home to school routes except for routes designed exclusively for transportation of handicapped and kindergarten and younger students. This factor is calculated as follows:

(i) Determine the most frequent number of students picked up at each route stop during the five day reporting period. If the pickup count at a route stop is the same for two days and different but the same for at least two other days during the five day reporting period, the larger count shall be used in the calculation.

(ii) Add the numbers determined for all route stops in (i) of this subsection.

(iii) Divide the total obtained in (ii) of this subsection by the number of buses used on such routes during the five day reporting period.

(iv) If the quotient obtained in (iii) of this subsection is less than fifty, divide fifty by the quotient.

(b) A special education load factor derived from the modal number of students picked up at each school bus stop in the district as reported pursuant to WAC 392-141-160 and which shall be in accordance with the average bus load set forth below:

Special Education Average Load	Special Education Load Factor
1 - 3.49	12
3.5 - 6.49	10
6.5 - 11.99	8
12.0 - 16.99	6
17.0 - 19.99	4
20 - or more	2

To determine each school district's special education average load districts shall report only special education students meeting the requirements set forth in WAC 392-141-115 who are transported to or from schools, learning centers or agencies on special bus routes used exclusively for transporting students to special education programs or related services.

(c) A small fleet maintenance factor as defined in WAC 392-141-145.

#### NEW SECTION

**WAC 392-141-175 HAZARDOUS CONDITIONS.** For the 1983-84 and 1984-85 school years, route stops located within one radius mile of schools or learning centers or agencies may be reported to the superintendent of public instruction if the local board of directors has judged that walking conditions are hazardous for students. The board's decision shall be based upon criteria established by the board defining a hazardous condition and may include any of the following:

- (1) There is inadequate area for walking along roadways;
- (2) There is inadequate traffic control for crossing roadways;
- (3) The traffic controls are too complex for the age of the children; and
- (4) The traffic conditions are too dangerous for the age of the children. Examples are as follows:
  - (a) There is a high volume of traffic with minimal or nonexistent protection for pedestrians; and
  - (b) Vehicle traffic moves at a high rate of speed.

#### NEW SECTION

**WAC 392-141-180 LIMITATIONS ON THE ALLOCATION FOR TRANSPORTATION BETWEEN SCHOOLS AND LEARNING CENTERS.** Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall meet the requirements established in any of the following statutes:

- (a) Chapter 28A.05 RCW;
- (b) Chapter 28A.13 RCW;
- (c) RCW 28A.41.400 through 28A.41.414;
- (d) RCW 28A.58.750; and
- (e) RCW 28A.58.800 through 28A.58.810;

(2) The instruction at the learning site shall be scheduled for at least eighty percent of the days within an annual school term (i.e., 144 school days);

(3) The transportation between schools and learning centers or other schools shall be scheduled at least eighty percent of the days within an annual school term, (i.e., 144 school days);

(4) The limitations imposed by this section shall not apply to midday transportation to or from school or transportation of special education students between schools and between schools and agencies less frequently than four days a week.

#### NEW SECTION

**WAC 392-141-185 OPERATION ALLOCATION COMPUTATION.** The computation of the transportation operation allocation shall be as follows:

(1) All eligible students as defined in WAC 392-141-115 who are transported to school except for midday transportation students and special education students accounted for in subsection (7) of this section shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(2) All kindergarten and younger students transported to or from school midday shall be measured by radius mile intervals between the bus route stop and the school of attendance in accordance with WAC 392-141-170(3);

(3) The total number of the students transported to school in subsection (1) of this section in each of the distance intervals shall be multiplied by two to yield the round trip totals in each of the distance intervals;

(4) The total from subsection (3) of this section plus the midday transportation students in subsection (2) of

this section shall equal the total students transported in each of the distance intervals with the exception of special education students accounted for in subsection (7) of this section;

(5) The total students calculated in subsection (4) of this section in each of the distance intervals, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the cumulative weighted student units in each of the distance intervals with the exception of midday transportation students whose midday transportation schedule is three days per week or less. In such cases the weighted student units calculated for such transportation are multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

(6) The sum of the cumulative weighted student units in each of the distance intervals calculated in subsection (5) of this section multiplied by the standard student mile allocation rate, and that product for the 1983-84 school year only multiplied by the formula support level expressed as a percent, shall equal the total transportation operation allocation, unless subsection(s) (7) and (8) or (9) of this section applies;

(7) All special education students as defined in RCW 28A.13.010 transported on special education bus routes to school or agencies for special education services shall be measured by distance intervals between their bus route stops and destinations in accordance with WAC 392-141-170(3) and multiplied by the appropriate distance weighting factors. These products are multiplied by two. These products shall be totaled and that total shall be multiplied by the appropriate special education load factor determined in accordance with WAC 392-141-170(4)(b): PROVIDED, That for special education students transported between schools and between schools and agencies less frequently than four days a week, the weighted student units calculated for such students shall be multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

This product shall equal the weighted student units for special education transportation;

(8) The weighted student units calculated pursuant to subsection (7) of this section are multiplied by the standard student mile allocation rate, and for the 1983-84 school year only that product is multiplied by the formula support level expressed as a percent;

(9) The district's minimum load factor, if any, is calculated pursuant to WAC 392-141-170(4)(a) and reduced by the whole number one. The factor is multiplied by the weighted student units in each distance interval calculated pursuant to subsection (5) of this section. These products then are totaled. This total is the additional weighted student units attributable to the district's

small average bus load. These additional weighted student units, if any, are multiplied by the standard student mile allocation rate and for the 1983-84 school year only this product is multiplied again by the formula support level expressed as a percent;

(10) The small fleet maintenance factor, if any, shall be added to the standard student mile allocation rate before the calculations in subsections (6), (8), and (9) of this section are made. For the 1983-84 school year, the small fleet maintenance factor shall be multiplied by the formula support level expressed as a percent;

(11) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (8), and (9) of this section;

(12) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be subject to the following:

(a) Any increase in annual allocations shall be prorated for the remainder of the annual school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations; and

(b) All revised reports shall be held until the end of the annual school term in all school districts state-wide. After the end of the annual school terms all requests for increases shall be computed in accordance with subsections (1) through (11) of this section. The pool of state moneys available to meet all revised reports shall be prorated among eligible districts if necessary.

#### NEW SECTION

**WAC 392-141-190 AUTHORIZATION AND LIMITATION ON DISTRICT PAYMENTS FOR INDIVIDUAL AND IN-LIEU TRANSPORTATION ARRANGEMENTS.** Districts may commit to individual transportation or in-lieu arrangements consistent with this section, subject to the approval by the educational service district superintendent or his or her designee. The following arrangements and limitations shall apply:

(1) A district shall contract with the custodial parent, parents, guardian(s), person(s) in loco parentis, or adult student(s) to pay the lesser of the following in-lieu-of transportation by the school district:

(a) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(b) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the

use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress, or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

#### NEW SECTION

**WAC 392-141-195 ALLOCATION SCHEDULE FOR STATE PAYMENTS.** The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the payment schedule in RCW 28A.48.010. Such allocation shall be based on estimated amounts for payments to be made in September, October, November, and December. The superintendent shall notify each school district of the student transportation operation allocation before December 15 of the current school year.

#### **WSR 84-15-026**

#### **ADOPTED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 84-27—Filed July 11, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State Board of Education—Election of members, chapter 392-109 WAC.

This action is taken pursuant to Notice No. WSR 84-12-007 filed with the code reviser on May 25, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.020 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 11, 1984.

By Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 80-20, filed 6/17/80)

**WAC 392-109-070 DECLARATION AND AFFIDAVIT OF CANDIDACY FORM.** The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I, \_\_\_\_\_, solemnly swear (or affirm): That (if filing for a voting position) I reside in the \_\_\_\_\_ Congressional District of the state of Washington or (if filing for the nonvoting position) I reside within the state of Washington; That I am ((not employed in any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction)) aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school; and, That I hereby declare myself a candidate for membership on the state board of education for a term of \_\_\_\_\_ years beginning on the second Monday in January, 19\_\_\_\_, subject to the election to be held during the month of October, 19\_\_\_\_, and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signed) .....

Address: .....

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

.....  
Notary Public in and for the  
state of Washington, residing  
at .....

*PLC OK*  
*10/14/84*  
*DIT*  
**WSR 84-15-027**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed July 11, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning minimum qualifications for issuance of class E, F, and classes EF licenses, WAC 314-16-200;

that the agency will at 9:30, Wednesday, September 12, 1984, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030 and 66.98.070.

The specific statute these rules are intended to implement is RCW 66.24.010, 66.24.360 and 66.24.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 12, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-12-076 filed with the code reviser's office on June 6, 1984.

Dated: July 11, 1984  
By: Robert D. Hannah  
Chairman

**WSR 84-15-028**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed July 11, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning minimum monetary penalty, new section WAC 314-12-170;

that the agency will at 9:30 a.m., Wednesday, August 22, 1984, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030 (1) and (2), 66.24.010(3) and 66.24.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 22, 1984.

Dated: July 11, 1984  
By: Robert D. Hannah  
Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-12-170 Minimum monetary penalty.

Description of Purpose: The addition of a new section to chapter 314-12 WAC would provide for a minimum monetary penalty in lieu of license suspension applicable to all liquor licensees.

Statutory Rule-Making Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (1) and (2), 66.24.010(3) and 66.24.120.

Summary of Rule: When the board opts to allow a liquor licensee to pay a monetary penalty in lieu of a liquor license suspension, the monetary penalty shall not be less than \$500.

**Reason Supporting Proposed Action:** A liquor license suspension is a penalty imposed by the board for violation of the liquor laws or the board's administrative rules. Likewise, a monetary fine paid in lieu of a license suspension is viewed as a penalty. Additionally, both types of penalties stand as deterrents against further violative actions. During fiscal year 1983, 38% of the monetary fines paid in lieu of license suspensions were less than \$500 with several as low as \$25. Such low fines neither punish nor deter, they amount to "license by fine" or a "cost of doing business." Additionally, the average cost of taking the administrative action against the licensee should be covered if a monetary fine is paid in lieu of a suspension.

**Agency Personnel Involved:** In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Robert D. Obenland, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6270; Gary W. Gilbert, Assistant Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6274; and James A. Halstrom, Supervisor, MIW Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6273.

**Person or Organization Proposing Rule:** This rule was proposed by the Washington State Liquor Control Board.

**Agency Comments:** No comments.

**Necessity of Rule:** This rule was not made necessary as a result of federal law or federal or state court action.

**Small Business Economic Impact Statement:** Cost impact for businesses of all kinds will be minimal.

**Discussion:** This rule does not establish any new paper work or filing requirements for any business.

#### NEW SECTION

**WAC 314-12-170 MINIMUM MONETARY PENALTY.** If the Board, pursuant to RCW 66.24.120, determines to provide in either its prehearing summary disposition or final order of suspension that such suspension shall be vacated upon payment of a monetary penalty, then such penalty shall not, in any event, be less than \$500.00.

**WSR 84-15-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-69—Filed July 11, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is run size estimates of Lake Washington sockeye warrant a harvest greater than could be accommodated under a more restrictive bag limit.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 11, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-57A-17500J LAKE WASHINGTON.** *Notwithstanding the provisions of WAC 220-57A-175, effective immediately through 12 noon, July 20, 1984, it is lawful to take, fish for and possess sockeye salmon for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge. Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.*

*The bag limit in any one day is six sockeye salmon not less than 10 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh sockeye salmon. Additional sockeye salmon may be possessed in a frozen or processed form.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective immediately.*

**WAC 220-57A-17500I LAKE WASHINGTON**  
(84-65)

**WSR 84-15-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-70—Filed July 11, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and

Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10C, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 10 and 10A to protect Lake Washington sockeye are no longer required due to magnitude of run size. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for Baker River sockeye. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 11, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-28-408 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6B, 9 – Closed to all commercial fishing.**

**Area 6D – Closed to all commercial fishing.**

**Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.**

**Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.**

**Skagit River – (1) Mouth to Baker River – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.**

**Areas 10C, 10D, 10F, and 10G – Closed to all commercial fishing.**

**Area 13A – Effective through July 31, closed to all commercial fishing.**

**Nooksack River – (1) Marietta Bridge to confluence of north and south forks – Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence – closed to all commercial fishing.**

**Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, and Minter Creek – Closed to all commercial fishing.**

#### REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

**WAC 220-28-407 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-67)**

**WSR 84-15-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 84-15—Filed July 12, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to medical aid rules and maximum fee schedule, chapter 296-20 WAC, dealing rules for medicine, anesthesia, radiology, pathology, hospital, physical therapy, chiropractic, therapeutics, and nurse practitioners.

I, Sam Kinville, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the department has installed an automated medical information and payment system (MIPS) that is capable of processing bills on magnetic tape. Because it would reduce other costs, the department will pay health care and vocational rehabilitation providers to submit their bills on magnetic tape.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.04.020 and 51.04.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 11, 1984.

By Sam Kinville  
Director

**NEW SECTION** (effective 07/15/84)

**WAC 296-20-12503 FEE FOR SUBMITTING  
BILLS ON MAGNETIC TAPE.**

\*

*The Department of Labor and Industries will pay providers to bill the Department on Magnetic Tape.*

*For bills submitted by or on behalf of hospitals, physicians, chiropractors, vocational rehabilitation counselors, and other health care and vocational service providers, the Department will pay \$0.36 for each bill submitted on magnetic tape. The tape must be compatible with the Department's new Medical Information and Payment System (MIPS). The payment will be made for only one bill per claim per month. The bill must be for allowable and/or authorized services to an industrially injured worker, for whom the Department has accepted responsibility.*

**WSR 84-15-032  
PROCLAMATION  
OFFICE OF THE GOVERNOR**

WHEREAS, the population of the state's prison system is 137 percent of capacity; and

WHEREAS, the population in virtually all the state's residential correctional facilities exceeds the reasonable, maximum capacity of such facilities;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, pursuant to the provisions of RCW 9.94A.160 as amended by Chapter 246, Laws of 1984, do hereby find that an emergency exists in each of those residential correctional facilities which exceeds its reasonable maximum capacity.

Pursuant to the provisions of Section 61(2) of Chapter 246, Laws of 1984, and RCW 9.94A.160, I hereby call the Board of Prison Terms and Paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for the release of prisoners under its jurisdiction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of

the state of Washington to be affixed at Olympia this 11th day of July, A.D., nineteen hundred and eighty-four.

John Spellman

Governor of Washington

**BY THE GOVERNOR:**

Donald F. Whiting

Acting Deputy Secretary of State

**WSR 84-15-033**

**ADOPTED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Order 88, Resolution No. 164—Filed July 13, 1984]

Be it resolved by the board of trustees of Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA, that it does adopt the annexed rules relating to the amendment of permanent rules of chapter 132H-160 WAC, Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII, WAC 132H-160-180 refund policy.

This action is taken pursuant to Notice No. WSR 84-12-006 filed with the code reviser on May 24, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 11, 1984.

By Paul M. Thompson  
Secretary, Board of Trustees

**AMENDATORY SECTION** (Amending Order 56, Resolution 108, filed 3/14/78)

**WAC 132H-160-180 REFUND POLICY.** Community College District VIII board of trustees has authorized the registrar to refund fees when a student withdraws from college or a course(s). A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. (1) Tuition and related fees are refunded upon withdrawal from college or a course(s) as follows:

(a) Prior to the first day of the quarter:

(i) Complete withdrawal from college – ((80% refunded)) 100% refund

- (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) – ((80% refunded)) 100% refund
- (b) Cancellation of a course – permission to transfer to another course or full refund upon request.
- (c) Through ((first)) fourth week of the quarter:
  - (i) Complete withdrawal from college – 50% ((refunded)) refund
  - (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) – 50% ((refunded)) refund
  - ((c)) (d) After ((first)) fourth week of the quarter:
    - (i) Complete withdrawal from college – no refund
    - (ii) Withdrawal from a course(s) (reduction of class load below 10 credits) – no refund
    - ((iii)) Cancellation of a course – permission to transfer to another course or full refund upon request
    - (d) Deferred payment deposit (the deferred payment is a \$20 tuition deposit paid at the time of registration by students who choose to postpone payment in full until the required due date. See quarterly class schedule)
      - (i) 100% refundable prior to the opening day of the quarter, less \$10 service charge))
      - (e) Lab fees (includes health service fee)
        - (i) Prior to first week of quarter – 100% refund
        - (ii) Through ((first)) the fourth week of the quarter – (80%) 50% refund
        - (iii) After the ((first)) fourth week of the quarter – no refund
      - (f) Parking fees
        - (i) Prior to the first week of the quarter – 100% refund
        - (ii) Through ((first)) the fourth week of the quarter – (80%) 50% refund
        - (iii) After the ((first)) fourth week of the quarter – no refund
      - (g) Insurance fees
        - (i) Through the first week of the quarter only – 100% refund
        - (ii) After the first week of the quarter – no refund
        - (iii) If insurance claim has been filed – no refund
      - ((h)) Community service/continuing education tuition and fees) Continuing education classes (state and student supported):
        - (i) ((Through the first week of the quarter – 80% refund)) Prior to the first class session – 100% refund (less a \$5.00 administration fee)
        - (ii) ((Through)) Prior to the second ((week of the quarter – 50% refund)) class session – 100% refund (less a \$15.00 administration fee)
        - (iii) After the second ((week of the quarter)) class session – no refund
      - (i) ((Nonresident tuition differential: (That portion of tuition which nonresidents pay in addition to resident tuition))) Continuing education workshops (self-supported)
        - (i) ((Through the first week of the quarter – 100% refund)) Cancellations received up through four working days prior to the first session – 100% refund (less a \$5.00 administration fee)
        - (ii) ((After the first week of the quarter – no refund)) After fourth working day prior to the first session – no refund.

**WSR 84-15-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-71—Filed July 13, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary for protection of groundfish stocks and conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 12, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-44-05000H COASTAL BOTTOM-FISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective July 16, 1984, it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastodes entomelas*) – 40,000 pounds per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week, defined as Sunday through the following Saturday.

(2) Shortbelly rockfish (*Sebastodes jordani*) and Idiot Rockfish (*Sebastolobus spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastodes alutus*) – 5,000 pounds or 20 percent of total weight of fish on board, whichever is less, per vessel trip; no minimum size.

(4) All other species of rockfish (*Sebastodes spp.*) – 15,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, except that a fisherman having made a declaration of intent, may make one landing of

*no more than 30,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following. The declaration of intent to fish biweekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of biweekly fishing. The declaration of intent to fish biweekly must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing with the department in the above manner. The declaration to stop biweekly fishing and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week.*

(5) *Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.*

(6) *It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.*

#### REPEALER

*The following section of the Washington Administrative code is repealed effective July 16, 1984.*

#### **WAC 220-44-05000F COASTAL BOTTOMFISH CATCH LIMITS (84-34)**

**Reviser's note:** The typographical error in the above repealer occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

#### **WSR 84-15-035 EMERGENCY RULES DEPARTMENT OF FISHERIES**

[Order 84-72—Filed July 13, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is conservation of coastal coho salmon stocks while allowing a limited chinook salmon fishery requires these regulations be filed to conform

Washington state regulations with those adopted by the Pacific Fisheries Management Council. Landing restrictions are necessary to allow the maximum recreational fishery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 12, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-56-15600B LANDING OF PERSONAL USE SALMON IN MARINE AREA CODE NUMBER 4.** Effective immediately until further notice, it is unlawful to land salmon taken for personal use in any port in Salmon Catch Record Marine Area 4 unless such salmon conform to personal use limits in effect at the time of landing in Salmon Catch Record Marine Area 4.

#### NEW SECTION

**WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS-SALMON.** Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean Waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except those waters inside of a line running true north-south through the black buoy at Waddah Island, extending 200 yards past the northwest tip of Waddah Island, thence westerly to the northern tip of Tatoosh Island, thence southerly to Spike Rock, thence due east to the Point of the Arches – special daily bag limit of not more than one chinook salmon not less than 34 inches in length and all other salmon must be released immediately – open June 25 until July 28, 1984, or until quota of 400 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh fish; additional salmon may be possessed in a frozen or processed form.

#### REPEALER

*The following sections of the Washington Administrative Code are repealed:*

#### **WAC 220-56-15600A LANDING OF SALMON CAUGHT IN CANADIAN WATERS (84-41)**

#### **WAC 220-56-19000G SALTWATER SEASONS AND BAG LIMITS-SALMON (84-54)**

**WSR 84-15-036**  
**PROPOSED RULES**  
**COMMUNITY COLLEGE**  
**DISTRICT SEVENTEEN**  
[Filed July 13, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Community College District 17 intends to adopt, amend, or repeal rules concerning use of district facilities;

that the institution will at 1:30 p.m., Tuesday, September 11, 1984, in the District Office Board Room, North 2000 Greene Street, Spokane, WA 99207, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before Friday, August 31, 1984.

Dated: July 12, 1984  
By: C. Nelson Grote  
Chief Executive Officer

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.50.140.

Add chapter 132Q-136 WAC, Use of district facilities.

The purpose of adding chapter 132Q-136 WAC is to establish procedures for the use of district facilities.

Statutory Authority: RCW 28B.50.140.

The Person Responsible for the Drafting, Implementation and Enforcement of this Rule: Dr. C. Nelson Grote, Chief Executive Officer, Washington Community College District 17, North 2000 Greene Street, Spokane, WA 99207.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decision.

#### CHAPTER 132Q-136 USE OF DISTRICT FACILITIES

##### WAC

132Q-136-010	General Policy and Delegation
132Q-136-020	Definitions
132Q-136-030	Users
132Q-136-040	Limitations
132Q-136-050	Reservation, Scheduling and Approval Procedure
132Q-136-060	Safety and Liability

#### NEW SECTION

**WAC 132Q-136-010 USE OF DISTRICT FACILITIES—GENERAL POLICY AND DELEGATION.** (1) Washington State Community College District 17 (The Community Colleges of Spokane) is an educational institution provided and maintained by the people of the state in order to carry out its mission pursuant to RCW 28B.50. The purpose of this policy is to assure that all facilities operated, owned or maintained by the District are reserved primarily for those activities which either are related directly to the District's mission or are otherwise justifiable on the basis of their contributions to the cultural, educational, economic or recreational interests of the state and its people.

(2) The Board of Trustees delegates to the chief executive officer and district president, or staff so designated by the chief executive officer, the authority to establish procedures for the regulation and review of the use of district facilities and to establish user fees where appropriate.

#### NEW SECTION

**WAC 132Q-136-020 DEFINITIONS.** As used in this chapter, the following terms shall have the following meaning:

(1) "Facilities" shall include all structures, building, grounds, parking lots, sidewalks and airspace owned or controlled by District 17.

(2) "District" or "District 17" shall include Spokane Community College, Spokane Falls Community College, the Institute of Extended Learning and any other college or organizational unit of Washington State Community College District 17 hereafter established by the District Board of Trustees.

(3) "Use of Facilities" shall include the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, charitable solicitation and any other activity which takes place in or on facilities owned or controlled by District 17.

(4) "Scheduling Office" shall be the office within the organization of the District which is designated as the office responsible for scheduling a particular District facility. The designation of scheduling offices shall be made by the chief executive officer, or staff so designated by the chief executive officer, pursuant to WAC 132Q-136-010(2).

(5) "User fee" shall be the fee, if any, charged any user for the use of facilities, including a use fee, fees for special custodial, attendant or security services, fees for supervisor services, fees for the use of special District equipment in conjunction with the use of facilities and any other fees established pursuant to WAC 132Q-136-010(2). The schedule of user fees may be amended from time to time.

(6) "Academic or administrative unit sponsorship" shall mean that the head of an academic or administrative unit within the District has reviewed a request for use of facilities, has determined that such use of facilities meets the general policy concerning the use of District facilities pursuant to WAC 132Q-136-010(1) and all limitation on the use of facilities pursuant to WAC 132Q-136-040, has determined that the academic or administrative unit is willing to sponsor the proposed use of facilities and has signed the appropriate request form.

#### NEW SECTION

**WAC 132Q-136-030 USERS.** (1) Faculty, staff, and official student organizations may use District facilities to hold events for faculty, staff and students provided such use complies with the general policy on the use of District facilities pursuant to WAC 132Q-136-010 and that all events are scheduled pursuant to WAC 132Q-136-050. Such use does not require either academic or administrative unit sponsorship nor does such use require approval by the chief executive officer or other designated staff.

(2) Faculty, staff, and official student organizations may use District facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the chief executive officer or other designated staff.

(3) Organizations or persons other than District faculty, staff, or official student organizations may use District facilities to hold events for members of the organization provided such use complies with the general policy of the use of District facilities. Such use does not require either academic or administrative unit sponsorship, but does require the approval of the chief executive officer or designated staff.

(4) Organizations or persons other than District faculty, staff, or official student organizations may use District facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the chief executive officer or designated staff.

(5) Use of facilities for religious purposes is permitted on the same basis as for non-religious purposes as long as use of religious purposes does not dominate access to facilities pursuant to WAC 132Q-136-040.

#### NEW SECTION

**WAC 132Q-136-040 LIMITATIONS.** (1) District facilities may not be used in ways which substantially obstruct or disrupt educational activities or freedom of movement or other lawful activities on or in District facilities.

(2) District facilities may not be used by groups, including informal groups, which discriminate in their membership or limit participation in activities on the basis of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap.

(3) Faculty, staff, or official student organizations may use District facilities to present educational forums regarding ballot propositions

and/or candidates who have filed for public office as long as the audience is limited to faculty, staff and students. However, pursuant to RCW 42.17.130 "the use of any of the facilities of a public office or agency, directly or indirectly for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition" is prohibited.

(4) District facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are in conjunction with authorized use of facilities by outside groups, fund raising activities directly benefiting the District, or activities fulfilling an educational or service need of the students, faculty or staff. The sale of any item, the use of any advertising material, or operation of any promotional activity is subject to prior approval of the chief executive officer or designated staff. Any such sales, advertising, or promotional activities judged not to be in the best interest of the District shall not be allowed.

(5) The distribution of handbills, leaflets, pamphlets and similar materials is not permitted in or on those facilities to which access by the general public is restricted or where such distribution would significantly impinge upon the primary business being conducted.

(6) Charitable solicitation is not permitted in or on those facilities to which access by the general public is restricted or where such solicitation would significantly impinge upon the primary business being conducted.

(7) District facilities may be used by other public or private educational institutions or public agencies only insofar as the intended use of the facilities meets a community need not being fulfilled by District 17 and where such activities do not interfere with the educational programs being offered by District 17 or with the maintenance and repair programs of the District. A user fee, if any, for such use shall be determined by the chief executive officer or designated staff.

(8) Organizations or persons other than District faculty, staff, or official student organizations may use District facilities only after the procedure pursuant to WAC 132Q-136-050 are completed and appropriate user fees have been paid in full or satisfactory payment arrangements completed.

(9) District 17 reserves the right to require that the District be represented at any use of facilities where the presence of a representative is in the best interest of the District.

(10) District equipment shall be used only when authorized and shall not be removed from any facility unless written authorization for such removal has been obtained prior to use.

(11) No decorations or other application of material to walls, ceiling or floors of any facility shall be permitted if such application will in any way mar, deface or injure the facility. Users shall be responsible for the removal or disposal of any decorations, materials, equipment, furnishings or rubbish which remain in or on any facility following use of the facility. Failure of any user to meet this obligation which results in additional cost to the District shall subject the user to additional charges for such costs.

(12) The District reserves the right to reject any application for the use of District facilities when such use, pursuant to WAC 132Q-136-010(1), is determined not to be in the best interest of the District.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 132Q-136-050 RESERVATION, SCHEDULING AND APPROVAL PROCEDURE.** (1) To reserve or schedule the use of facilities, faculty, staff, official student organizations or outside parties shall contact the appropriate college or Institute scheduling office. The scheduling office shall provide all appropriate scheduling procedures, forms and agreements and shall arrange for all necessary approvals, reservations, scheduling and payments.

(2) No less than fourteen days prior to the anticipated date for use of District facilities, any individual or organization desiring to reserve or schedule facility use shall present all required forms, fully completed, to the appropriate scheduling office. The scheduling office shall process the completed application and secure all required approvals. The individual or organization requesting the use of facilities shall be

notified of the disposition of the request within ten days. Such fourteen day notice may be waived by the scheduling office provided that such waiver does not disrupt normal facility operation.

(3) Full payment of the appropriate user fee, if any, or satisfactory payment arrangements are required prior to the use of District facilities.

#### NEW SECTION

**WAC 132Q-136-060 SAFETY AND LIABILITY.** (1) It is the responsibility of any person or organization requesting the use of District facilities to insure that the proposed use will be carried out in a manner that assures the safety of all persons concerned. Compliance with applicable fire, health and safety regulations is required.

(2) Authorization to organizations or persons other than District faculty, staff, or official student organizations for the use of District facilities is granted with the express understanding and condition that such organization or person assumes full responsibility for any loss, damage or claims arising out of such use. When the event involves physical activity, or otherwise would increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least one million dollars per occurrence shall be provided to the chief executive officer or designee.

### **WSR 84-15-037 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)**

[Filed July 13, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 356-10-040	((Positions—Downward or lateral reallocation—Employees)) Employee appointment status—Downward reallocation.
New	WAC 356-10-045	Employee appointment status—Lateral reallocation.
Amd	WAC 356-10-050	((Positions—Reallocation upward, incumbents)) Employee appointment status—Upward reallocation.
Amd	WAC 356-26-060	Certification—General methods;

that the agency will at 10:00 a.m., Thursday, August 9, 1984, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 7, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-12-080 filed with the code reviser's office on June 6, 1984.

Dated: July 12, 1984  
By: Leonard Nord  
Secretary

**WSR 84-15-038**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Order 2122—Filed July 13, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to developmental disabilities fair hearings, amending WAC 275-27-500.

This action is taken pursuant to Notice Nos. WSR 84-08-015 and 84-12-032 filed with the code reviser on March 27, 1984, and May 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.33.161 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 3, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1280, filed 3/16/78)

**WAC 275-27-500 ((APPEALS)) FAIR HEARINGS.** ((1)) Upon receipt of notification pursuant to WAC 275-27-400, the person about whom the decision was made, and/or the parent(s) of a client under age eighteen, or court authorized guardian of such person shall have thirty days in which to appeal this decision to the secretary for an administrative hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW.

(2) Appeal shall be undertaken by delivering written notice of appeal in person or by mail to the address specified in the notice of right to appeal.

(a) If the department has not acted upon the decision, the written notice of appeal shall stay the decision pending the administrative hearing determination.

(b) The person(s) making such appeal shall indicate whether or not such person(s) is/are represented by legal counsel.

(3) Within ten days after receipt of notice of appeal, the department shall schedule the matter for a hearing. Once scheduled, a hearing may not be continued unless the appellant stipulates to continuance or good cause is shown therefor.

(4) The administrative procedure used at such hearing shall be substantially in compliance with the Washington Administrative Procedure Act.

(5) The appellant(s) shall be permitted advance inspection of all affidavits, exhibits, or evidence available to the department's authorities.

(6) A tape recorded, or reliable verbatim record shall be made of the hearing.

((7)) A copy of the director's decision, on behalf of the secretary, shall be sent by certified mail or delivered in person to the appellant(s), and a copy sent to the secretary. An applicant or recipient has the right to appeal a division decision regarding eligibility for, development of, or modification of an individual program plan; eligibility for or termination of services; placement and admission to, placement and readmission to, or discharge from a state school. The hearings are governed by the Administrative Procedure Act, the rules in this chapter, and by chapters 10-08 and 388-08 WAC. In case of conflict between this section and chapter 388-08 WAC, the provisions in this chapter take precedence over the rules in chapter 388-08 WAC.

(1) The request for a fair hearing must be in writing and filed with the DSHS Office of Hearings, P.O. Box 2465, Olympia, WA 98504 within thirty days of receipt of the decision the appellant wishes to appeal.

(2) A request for a fair hearing may be made by the applicant or recipient, his or her parent when the applicant or recipient is a minor, or by his or her guardian or other authorized representative.

(3) Except for a decision to return a resident of a state residential school to the community, if the division has not implemented a decision before a written request for a hearing is properly filed and a request is properly filed, the division shall not implement the decision without the client's or his or her representative's written consent until the earlier of:

(a) The final administrative decision being made, or  
(b) Until an administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(4) When the appellant requests a hearing to appeal a decision to return a resident of a state residential school to the community, the procedures specified in RCW 72-33.161 shall govern the proceedings. These include:

(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless:

(i) The client's or his or her representative gives written consent, or

(ii) The administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(b) The burden of proof is on the department.

(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.

(d) When a party files a petition for administrative review of an initial decision, the secretary shall rule on the petition and render the review decision. The secretary cannot delegate the authority to make the final decision. The secretary may get advice and assistance from agency employees who have not participated in the proceedings in any manner and whose duties do not include investigative or prosecutorial functions and the secretary's review shall be confined to the record.

(5) The initial decision should be made within sixty days of the department's receipt of the request for a hearing. When a party files a petition for administrative review, the review decision should be made within sixty

days of the department's receipt of the petition. The decision-rendering time is extended by as many days as the hearing is continued on motion by, or with the assent of, the appellant.

**WSR 84-15-039  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 84-73—Filed July 13, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10C, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for Baker River sockeye. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook. Restrictions in Area 10C provide protection for Lake Washington sockeye while allowing a treaty Indian fishery which is expected to take the remaining directed harvestable surplus.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 13, 1984.  
By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-28-409 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 4B, 5 and 6C** – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

**Areas 6, 6A, 7 and 7A** – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

**Areas 6B, 9** – Closed to all commercial fishing.

**Area 6D** – Closed to all commercial fishing.

**Area 7C** – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.

**Area 8** – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

**Skagit River** – (1) Mouth to Baker River – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.

\***Area 10C** – Closed to all commercial fishing except from 10 PM July 15 to 2 AM July 16. That portion within 1,000 feet of the mouth of the Cedar River remains closed to all commercial fishing.

**Areas 10D, 10F, and 10G** – Closed to all commercial fishing.

**Area 13A** – Effective through July 31, closed to all commercial fishing.

**Nooksack River** – (1) Marietta Bridge to confluence of north and south forks – Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence – closed to all commercial fishing.

**Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, and Minter Creek** – Closed to all commercial fishing.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective immediately.

**WAC 220-28-408 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-70)**

**WSR 84-15-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-74—Filed July 13, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is conservation of coastal coho salmon stocks while allowing a limited chinook salmon fishery requires these regulations be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 13, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS—SALMON.** Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. July 17, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean Waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except those waters inside of a line running true north-south through the black buoy at Waddah Island, extending 200 yards past the northwest tip of Wahhah Island, thence westerly to the northern tip of Tatoosh Island, thence southerly to Spike Rock, thence due east to the Point of the Arches — special daily bag limit of not more than one chinook salmon not less than 24 inches in length and all other salmon must be released immediately — open until July 28, 1984, or until quota of 400 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh fish; additional salmon may be possessed in a frozen or processed form.

**REPEALER**

*The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 17, 1984.*

**WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS—SALMON (84-72)**

**WSR 84-15-041**  
**EMERGENCY RULES**  
**DEPARTMENT OF CORRECTIONS**  
[Order 84-12—Filed July 13, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New ch. 137-28 WAC Prisons—Discipline.  
Rep ch. 275-88 WAC Adult correctional institutions—Discipline.

I, Amos E. Reed, Secretary, Department of Corrections, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the immediate adoption of chapter 137-28 WAC is necessary because staff shortages due to budgetary constraints mandate a change from a three person hearing committee to a sole hearing officer.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 13, 1984.

By Amos E. Reed  
Secretary

***Chapter 137-28 WAC***  
***PRISONS—DISCIPLINE***

**NEW SECTION**

**WAC 137-28-005 PURPOSE.** (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by an inmate of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles.

**NEW SECTION**

**WAC 137-28-006 DEFINITIONS.** For the purposes of this chapter the following words shall have the following meanings:

(1) "Promptly" means to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

(2) "Working days" means normal Monday through Friday work days, excluding weekends and holidays.

(3) "Director" means the director of the division of prisons of the Washington state department of corrections or his/her designee.

(4) "Superintendent" means a superintendent of an adult correctional institution or his/her designee.

(5) "Directors review committee" means a committee appointed by the director.

(6) "Earned time" means that portion of the inmate's available sentence reduction which, by department of corrections' policy is earned specifically for program participation.

(7) "Good-conduct time credits" means that portion of an inmate's potential reduction to his/her minimum term which is authorized by RCW 9.95.070 and 72.09-.130 and which is gained by not receiving serious infractions as listed in WAC 137-28-030.

(8) "Earned-early release" means that combined earned time and good-conduct time credits which, together, allow an inmate to earn up to one-third reduction off the minimum term established by the board of prison terms and paroles or sentencing court.

(9) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

#### NEW SECTION

**WAC 137-28-010 SUPPLEMENTARY RULES.** The superintendent of an adult correctional institution may promulgate supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director before being put into effect.

#### NEW SECTION

**WAC 137-28-015 NOTIFICATION.** (1) Each inmate of an adult correctional institution shall be advised in writing of:

- (a) His/her rights and responsibilities;
- (b) Acts prohibited in the institution; and
- (c) Disciplinary action which may be taken in the event of misconduct.

(2) Each inmate shall be provided with a copy of the rules in this chapter and upon his/her arrival at the institution shall be given a copy of all local disciplinary rules.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each institution in advance of their effective date if possible and for at least thirty days after their effective date. Inmates shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules

shall be available at each institution for inmate examination.

(4) The superintendent shall ensure that each inmate has the opportunity to understand rules which relate to his/her conduct. If the inmate is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language.

#### NEW SECTION

**WAC 137-28-020 DEFINITION OF MISCONDUCT.** Misconduct shall consist of:

(1) Any act described in WAC 137-28-025 as a general infraction;

(2) Any act described in WAC 137-28-030 as a serious infraction; or

(3) Any act proscribed by a rule adopted by an institution pursuant to WAC 137-28-010.

#### NEW SECTION

**WAC 137-28-025 GENERAL INFRACTIONS.** Any of the following types of behavior shall constitute a general infraction:

051 – Unauthorized possession of money or other negotiable instruments totaling less than five dollars;

052 – Loaning of property for profit;

053 – Possession of anything not authorized for retention or receipt by an inmate and/or not issued to him/her by regular institutional channels;

055 – Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars;

103 – Refusing to obey a lawful order of any staff member;

104 – Unexcused absence from work or any assignment;

110 – Theft of food;

202 – Abusive language directed to a staff member;

203 – Lying or knowingly providing a false statement to a staff member;

205 – Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution administrative staff;

210 – Being in an area identified by an institution as an area where the presence of inmates is unauthorized;

211 – Intentional failure to follow published safety or sanitary regulations;

212 – Using any equipment or machinery which is not specifically authorized;

213 – Using any equipment or machinery contrary to instructions or posted safety standards;

214 – Intentional failure to stand count;

251 – Smoking where prohibited;

301 – Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations;

- 302 – *Tattooing or self-mutilation;*
- 303 – *Unauthorized use of mail or telephone;*
- 305 – *Correspondence or conduct with a visitor in violation of published and posted regulations;*
- 351 – *Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his/her family, or his/her friend, except when authorized; or*
- 400 – *Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.*

#### NEW SECTION

**WAC 137-28-030 SERIOUS INFRACTIONS.**  
Any of the following types of behavior shall constitute a serious infraction:

- 501 – *Committing homicide;*
- 502 – *Assaulting any person;*
- 503 – *Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;*
- 504 – *Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;*
- 505 – *Fighting with any person except in self-defense;*
- 506 – *Threatening another with bodily harm or with any offense against his/her person;*
- 507 – *Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;*
- 508 – *Throwing objects or material at staff members, institution visitors, or other inmates;*
- 521 – *Holding a person hostage;*
- 525 – *Violation of conditions of furlough;*
- 550 – *Escape or attempted escape;*
- 551 – *Lying to the hearing committee;*
- 552 – *Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;*
- 553 – *Intentionally or recklessly setting a fire;*
- 554 – *Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;*
- 555 – *Stealing (theft) or knowing possession of stolen property;*
- 556 – *Refusing to submit to a body search when lawfully ordered to do so by a staff member;*
- 557 – *Refusing and/or failing to work or attend other regularly scheduled assignments;*
- 558 – *Intentionally interfering with a staff member in the performance of his/her duties;*
- 559 – *Gambling;*

- 600 – *Tampering with or blocking any locking device or seal;*
- 601 – *Possession or introduction of an explosive, poison, or any ammunition or components thereof;*
- 602 – *Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;*
- 603 – *Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff, or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;*
- 605 – *Unauthorized possession of any officer's or staff's clothing;*
- 607 – *Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent;*
- 608 – *Refusing to submit to a breathalyzer or other standard sobriety test;*
- 650 – *Rioting;*
- 651 – *Inciting others to riot;*
- 652 – *Engaging in or inciting a prohibited group demonstration;*
- 653 – *Intentionally interfering with the taking of count;*
- 654 – *Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;*
- 655 – *Making intoxicants, controlled substances, narcotics;*
- 656 – *Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;*
- 657 – *Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;*
- 658 – *Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-050(2), or resisting post-hearing sanctions as provided for in WAC 137-28-105;*
- 660 – *Unauthorized possession of money or other negotiable instruments of five dollars or more;*
- 661 – *Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such*

*marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1)(d), as well as other sanctions available for serious infractions;*

- 662 - *Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;*
- 700 - *Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or*
- 701 - *Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.*

#### NEW SECTION

**WAC 137-28-031 CELL TAG.** *Each inmate of a multiple-inmate cell will be held accountable for an infraction that occurs within the confines of such cell unless he/she can establish a lack of involvement in the infraction.*

#### NEW SECTION

**WAC 137-28-032 EARNED TIME, GRANTING AND DENIAL.** *An inmate may receive earned time sentence reduction for participating or attempting to participate in institution work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the inmate. Should the inmate wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the inmate has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC 137-28-065. The inmate shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC 137-28-090. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state inmates shall be handled in substantial accord with this rule.*

#### NEW SECTION

**WAC 137-28-035 REPORTING TO LAW ENFORCEMENT AUTHORITIES.** *(1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.*

*(2) If a violation has been reported to law enforcement authorities, the inmate shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.*

*(3) The provisions in this rule shall not preclude the reasonable segregation of the inmate in accordance with administrative segregation rules appearing in this chapter.*

#### NEW SECTION

**WAC 137-28-040 INFRACTIONS—ON-SITE ADJUSTMENT.** *In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:*

*(1) Counseling, warning, or reprimanding the inmate; and/or*

*(2) Causing the inmate to remove himself/herself from the situation immediately involved in the violation.*

*(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a 657 serious infraction under WAC 137-28-030 has occurred.*

#### NEW SECTION

**WAC 137-28-045 INFRACTIONS—REPORT ON.** *(1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.*

*(2) The infraction report shall include:*

*(a) A description of the incident;*

*(b) The time and place of the incident;*

*(c) The names of witnesses;*

*(d) The specific rule alleged to have been violated;*

*(e) A description of any action taken; and*

*(f) A recommendation of any action to be taken.*

*(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports.*

#### NEW SECTION

**WAC 137-28-050 GENERAL INFRACTION REPORT—ACTION ON REPORT.** *The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to*

*(1) Take no further action, in which case the report shall be destroyed promptly; or*

(2) Take administrative action as provided for in WAC 137-28-105(1).

(3) General infractions handled under this rule may be accumulated for purposes of invoking the provisions of WAC 137-28-030 with respect to serious infraction 657.

#### NEW SECTION

**WAC 137-28-065 APPOINTMENT AND DISQUALIFICATION OF HEARING OFFICER.** (1) Hearings shall be conducted by a single hearing officer designated by the superintendent.

(2) The hearing officer may not function in such capacity when he/she has direct personal knowledge or interest in the incident under consideration. Such officer must disqualify himself/herself by giving notice to the superintendent, who will select a replacement.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude the hearing officer's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities.

(4) The hearing officer may disqualify himself/herself or be disqualified if it is felt the hearing officer is biased for or against the inmate so that he/she cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired.

#### NEW SECTION

**WAC 137-28-072 OUT-OF-STATE INMATES.**

Inmates committed to the department of corrections who have been transferred to a prison in another state shall be subject to the disciplinary rules and procedures applicable in the prison to which they have been transferred except that such prison may, in its discretion, utilize any presumptive sanction guidelines in current effect in Washington state institutions.

#### NEW SECTION

**WAC 137-28-075 PREHEARING PROCEDURES—RIGHTS OF INMATES.** (1) Before being questioned about an alleged rule infraction, an inmate alleged to have committed a rule infraction shall be advised that his/her refusal to testify at the hearing may be used against him/her.

(2) The inmate shall retain his/her institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 137-28-080.

#### NEW SECTION

**WAC 137-28-080 PREHEARING PROCEDURES—RESTRICTION OF INMATE.** (1) Prior to and during a hearing on a serious infraction:

(a) An inmate in minimum security status may be restricted to a security area without loss of his/her classification status when there is a reasonable belief that he/she is a substantial security risk; or

(b) An inmate who is reasonably believed to be of danger to himself/herself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonable believed to exist, be restricted to his/her own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement;

(c) An inmate shall not be confined or segregated for more than seventy-two hours exclusive of weekends and holidays unless there is an intervening hearing on the incident involved or the inmate or the institution, for good cause, require additional time not to exceed seventy-two hours to prepare its or his/her case for the hearing, or there is an administrative segregation hearing in accordance with the provisions of this chapter.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an inmate to prepare an adequate defense to the charge(s) against him/her.

(3) An inmate confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing officer following the hearing, as set forth in WAC 137-28-110.

(4) An inmate confined or restricted as authorized in this section shall receive credit for time served in such manner if he/she is subsequently found guilty of the offense by the hearing officer.

#### NEW SECTION

**WAC 137-28-085 HEARING OFFICER—PREPARATION FOR HEARING.** In preparation for the hearing, the clerk of the hearing officer shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate;

(2) Advise the inmate, both orally and in writing, of his/her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) That if he/she chooses not to testify at the hearing, his/her silence may be used against him/her;

(c) To present written statements from other inmates, staff or other persons in his/her behalf;

(d) To ask that staff members, other inmates, and other persons be present as witnesses for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institution's safety or correctional goals: PROVIDED, HOWEVER, Limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;

(e) To have a staff advisor to assist in preparation/presentation of his/her case when it is determined that the inmate is unable to adequately represent himself/herself on the basis of literacy or competence in accordance with WAC 137-28-097; and

(f) To have access to nonconfidential reports and records utilized by the hearing officer during the fact-finding stage: PROVIDED, HOWEVER, Where reports and records contain information, the disclosure of which to an inmate might reasonably compromise the security and/or safety of the institution or its inmates, such reports and records shall be specifically identified as confidential and withheld, and in such cases, the inmate shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgment of the receipt by the inmate of the information provided in accordance with WAC 137-28-085(2);

(4) Determine from the inmate whether he/she wishes to contest the allegation;

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent; and

(6) Notify any staff member who witnessed the infraction of the hearing.

#### NEW SECTION

##### **WAC 137-28-090 CONDUCT OF HEARING.**

(1) The hearing officer shall assure that the inmate is competent to understand the charge against him/her and the proceedings, and to participate therein. He/she may order a postponement of the hearing to secure a report on the competence of the inmate, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The inmate shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing officer may wish to make concerning the identity of unidentified witnesses. An inmate may waive his/her presence at a hearing.

(3) The inmate shall be informed that if he/she chooses not to testify in the hearing, his/her silence may be used against him/her.

(4) The clerk shall be responsible for presenting all appropriate paperwork to the hearing officer, but shall not be responsible for orally presenting facts and circumstances surrounding the incident.

(5) The hearing officer shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the inmate; and

(b) Determination of further action to be taken.

(6) Evidence, testimony, questions, and examinations shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(7) Where institution staff members are witnesses against the inmate, every effort shall be made to have such witnesses present to testify at the hearing: PROVIDED, HOWEVER, The written statements of such staff members may be considered in their absence upon a showing of good cause.

(8) The hearing officer shall have the authority to cross-examine the staff member reporting the infraction.

(9) The inmate shall be allowed to call witnesses and present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals unless the

witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case. The testimony of all witnesses from outside the institution shall be considered in writing. In the event the hearing officer determines that the presence of a witness is appropriate, the hearing officer will call the witnesses or continue the hearing until such time as the witness is available. If the witness is unavailable, the hearing officer may, in his/her discretion, consider the written testimony previously submitted.

(10) The inmate may question witnesses against him/her in the discretion of the hearing officer. If the hearing officer determines that an inmate witness would be subject to risk of harm if his/her identity were disclosed, testimony of the inmate witness may be introduced by the testimony of a staff member to whom the information was provided by the inmate witness and/or the affidavit of the inmate witness. If the staff member to whom the inmate witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member may be used.

(11) The hearing officer shall, out of the presence of all inmates, inquire as to the identify of any anonymous inmate witness, and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified inmate witness to identify such inmate shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member with the rank of captain or above based on that staff member's determination of good cause for nondisclosure and that the informant is reliable. The hearing officer must make an independent determination as to the reliability of informant and credibility of information offered, except that the hearing officer may accept an assurance of credibility from a staff member who approves the nondisclosure of identity of the inmate witness.

#### NEW SECTION

##### **WAC 137-28-093 DECISION OF HEARING OFFICER.**

(1) A report of the hearing shall be made by a secretary and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefore. The written report shall be placed in the inmate's institutional file if he/she is found guilty. All reports shall be maintained by the clerk as part of the hearing officer's records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence presented in the hearing. However, during the dispositional stage of the hearing, such factors as the inmate's institutional file, prior conduct, and overall institution adjustment may be considered.

(3) The inmate shall be informed personally of the decisions of the hearing officer. Such information shall be given to him/her orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(4) The inmate shall be informed of his/her right to appeal the decisions of the hearing officer to the superintendent.

#### NEW SECTION

**WAC 137-28-095 FINDING OF NO INFRACTION.** If the hearing officer determines that no infraction occurred, the inmate shall be reinstated to his/her previous status and all records pertaining to the charge shall be removed from the inmate's central file but may be retained for statistical and record-keeping purposes.

#### NEW SECTION

**WAC 137-28-097 STAFF ADVISORS.** (1) An inmate may have a staff advisor appointed by the hearing officer to prepare for a hearing. The hearing officer shall consider such factors as the literacy, the complexity of the issue and the inmate's overall ability to speak for himself/herself and adequately present his/her case, prior to assigning a staff advisor. The assignment of a staff advisor will only be necessary when considering such factors, and should not be construed to mean that a staff advisor must be assigned. The staff advisor will be a staff member and not involved in the observation of the infraction. The staff advisor may attend the hearing, but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing officer.

(2) A list of approved staff advisors will be maintained by the superintendent.

(3) Staff advisors shall be provided with:

(a) Copies of the written decisions of the hearing officer and the superintendent in cases in which the staff advisors are involved;

(b) An opportunity to have private conversation with inmates they are representing;

(c) Access to written information to be used by the hearing officer in the fact-finding stage as far in advance of the hearing as is reasonably possible; and

(d) Reasonable access to all witnesses.

#### NEW SECTION

**WAC 137-28-100 SANCTIONS—AUTHORITY TO IMPOSE.** (1) If the hearing officer determines that an inmate is guilty of a serious infraction as enumerated in WAC 137-28-030, he/she may impose one or more of the sanctions provided in WAC 137-28-105.

(2) If the hearing officer determines that more than one infraction occurred, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a proposed disciplinary sanction for a fixed period of

time, not to exceed six months, subject to the good behavior of the inmate and/or meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the inmate's being found guilty of either a general or serious infraction and/or violating the conditions attached to the original suspension. A suspended sentence may be revoked only by the institution hearing officer following notice to the inmate of possible revocation and an in-person meeting with the inmate.

(4) The hearing officer may review any decision he/she has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

#### NEW SECTION

**WAC 137-28-105 SANCTIONS—TYPES.** (1) For general infractions enumerated in WAC 137-28-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed ten days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-48 and 275-80 WAC or in local rules regarding correspondence and/or visitors; and

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in Wac 137-28-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 137-28-105;

(b) Loss of specified privileges for a period of time not to exceed twenty days except that an inmate shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday;

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee/classification officer for reconsideration of custody classification and/or, when the infraction committed is directly related to the inmate's program, recommendation of program change;

(g) Recommendations to the classification committee/classification officer for transfer to another institution only when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: PROVIDED, That where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: PROVIDED FURTHER, That in such situation when an inmate may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the inmate is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days;

(j) Restitution for damage done to any property or loss of any property assigned to the inmate. Funds may be withdrawn from the inmate's account to make restitution under this rule: PROVIDED, That an inmate's account shall not be reduced to less than ten dollars under this subparagraph;

(k) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate to the board of prison terms and paroles, pursuant to RCW 9.95.070 or that he/she deny good conduct time credit for those inmates not under jurisdiction of the board. Such recommendation will be consistent with guidelines established by the secretary of the department of corrections. Any sanctions for loss of good-conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the director, division of prisons;

(l) Recommendation to the board of prison terms and paroles for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(m) The sanction for the following major infractions will not result in loss of good-time credit: 557; 559; 653; 657; 661; and 701.

## NEW SECTION

**WAC 137-28-110 SANCTIONS—LIMITATIONS.** (1) No inmate shall be subject to disciplinary action for violation of inmate conduct rules unless there has been reasonable advance notice to the inmate of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) An inmate placed in segregation shall:

(a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Be afforded his/her rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, institutional security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such inmate shall be allowed as much exercise as is feasible in the judgment of staff; provided, however, any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and

(e) Be visited by a physician or designated health care personnel at least three times per week; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health care personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided further that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility specified by the director of prisons.

(5) An inmate placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his/her rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal, or program involvement material;

(d) Be visited by a physician or health care personnel at least once per day; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided, further, that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility to be specified by the director of prisons;

(e) Upon approval by the superintendent, be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his/her well being, and each such visit and findings shall be recorded; and

(g) Be accessible to the counselor assigned to him/her.

#### NEW SECTION

**WAC 137-28-115 APPEAL TO SUPERINTENDENT.** (1) An inmate may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing officer record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor, reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the inmate nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-28-080 or if the superintendent has reason to believe that he/she is a substantial security risk.

(5) The inmate shall promptly be notified of the decision of the superintendent.

(6) In all cases where the superintendent approves a sanction requiring the loss of more than one hundred eighty days of future good conduct time credits, or the superintendent recommends that a parole board disciplinary hearing be scheduled, the case will be referred to the director for review and approval. This review may result in approval of the sanction imposed or a lesser sanction.

#### NEW SECTION

**WAC 137-28-120 REPORTS TO THE PAROLE BOARD.** (1) Whenever the hearing officer finds an inmate guilty of a serious infraction, and recommends either loss of good conduct time credits or an adjustment upward of the inmate's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(2) In all other cases where a finding of guilt is made for a serious infraction, it shall be the duty of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(3) Where an inmate is found guilty of a serious infraction within forty-five days of an apparent release date, the board of prison terms and paroles shall be notified telephonically, with written notification to follow promptly.

#### NEW SECTION

**WAC 137-28-130 TIME LIMITATIONS.** The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- |                     |  |
|---------------------|--|
| (1) WAC 275-88-005  | PURPOSE.   |
| (2) WAC 275-88-006  | DEFINITIONS.   |
| (3) WAC 275-88-010  | SUPPLEMENTARY RULES.   |
| (4) WAC 275-88-015  | NOTIFICATION.  |
| (5) WAC 275-88-020  | DEFINITION OF MISCONDUCT.  |
| (6) WAC 275-88-025  | GENERAL INFRACTIONS.   |
| (7) WAC 275-88-030  | SERIOUS INFRACTIONS.   |
| (8) WAC 275-88-035  | REPORTING TO LAW ENFORCEMENT AUTHORITIES.                          |
| (9) WAC 275-88-040  | INFRACTIONS—ON-SITE ADJUSTMENT.                                    |
| (10) WAC 275-88-045 | INFRACTIONS—REPORT ON.   |
| (11) WAC 275-88-050 | GENERAL INFRACTION REPORT—ACTION ON REPORT.                        |
| (12) WAC 275-88-055 | APPEAL TO HEARING COMMITTEE.                                       |
| (13) WAC 275-88-060 | APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE.              |
| (14) WAC 275-88-065 | APPEAL TO HEARING COMMITTEE—DISQUALIFICATION OR ABSENCE OF MEMBER. |
| (15) WAC 275-88-070 | APPEAL TO HEARING COMMITTEE—JURISDICTION.                          |
| (16) WAC 275-88-075 | PREHEARING PROCEDURES—RIGHTS OF RESIDENTS.                         |
| (17) WAC 275-88-080 | PREHEARING PROCEDURES—RESTRICTION OF RESIDENT.                     |
| (18) WAC 275-88-085 | HEARING COMMITTEE—PREPARATION FOR HEARING.                         |
| (19) WAC 275-88-090 | CONDUCT OF HEARING.  |
| (20) WAC 275-88-093 | DECISION OF HEARING COMMITTEE.                                     |
| (21) WAC 275-88-095 | FINDING OF NO INFRACTION.  |
| (22) WAC 275-88-097 | LAY ADVISORS.  |
| (23) WAC 275-88-100 | SANCTIONS—AUTHORITY TO IMPOSE.                                     |
| (24) WAC 275-88-105 | SANCTIONS—TYPES.   |

- (25) WAC 275-88-110 SANCTIONS—  
LIMITATIONS.
- (26) WAC 275-88-115 APPEAL TO  
SUPERINTENDENT.
- (27) WAC 275-88-120 REPORTS TO THE PA-  
ROLE BOARD.
- (28) WAC 275-88-130 TIME LIMITATIONS.

**WSR 84-15-042**  
**EMERGENCY RULES**  
**LOTTERY COMMISSION**  
[Order 59—Filed July 13, 1984]

Be it resolved by the State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 315-06-120 Payment of prizes—General provisions.  
Amd WAC 315-30-020 Definitions.  
Amd WAC 315-30-030 On-line games criteria.  
Amd WAC 315-30-040 Drawings and end of sales prior to drawings.  
Amd WAC 315-31-020 Price of Triple Choice on-line ticket.

We, the State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these amendments to rules pertaining to on-line games need to be in place prior to the start of Lotto. Delay in implementation of these amendments would be contrary to the public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 13, 1984.

By Frank L. Miller  
Assistant Attorney General  
for Lawrence G. Waldt  
Chairman

**AMENDATORY SECTION** (Amending Order 54,  
filed 4/9/84)

**WAC 315-06-120 PAYMENT OF PRIZES—  
GENERAL PROVISIONS.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim may be entered in the name of an

organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket. The claimant, by submitting the claim, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than 180 days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or agents, or from a licensed agent; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(7) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(8) A ticket that has been legally issued by a licensed agent is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(9) All prizes shall be paid within a reasonable time after the claims are verified by the director and a winner is determined. The date of the first installment payment of each prize ((requiring installment payments shall be the commencement date of the payments and a payment shall be made on the anniversary date of said payment

thereafter in accordance with the type of prize awarded to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(10) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each ((original anniversary)) originally scheduled payment date thereafter.

(11) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(12) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(13) Each licensed agent shall pay all prizes authorized to be paid by the licensed agent by these rules during its normal business hours at the location designated on its license.

(14) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

**WAC 315-30-020 DEFINITIONS.** (1) On-line game. A lottery game in which a player pays a fee to a lottery agent and selects a combination of digits, numbers, or symbols((;)); type and amount of play((;)); and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line agent. A licensed agent authorized by the lottery to sell on-line tickets.

(3) On-line ticket. A computer-generated ticket issued by an on-line agent to a player as a receipt for the combination a player has selected. That ticket shall be

the only acceptable evidence of the combination ((or)) of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line agents.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line agent enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

**WAC 315-30-030 ON-LINE GAMES CRITERIA.** (1) The base price of an on-line ticket shall not be less than \$.50 and not more than \$5.00.

(2) On the average the total of all prizes available to be won in an on-line game shall not be less than forty-five percent of the on-line game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of on-line game.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer entitled to a prize shall submit the winning ticket as specified by the director. The winning ticket must be validated by the lottery or an on-line agent through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming on-line prizes are as follows:

(a) To claim an on-line game prize of \$600.00 or less within thirty days of the drawing, the claimant shall present the winning on-line ticket to any on-line agent or to the lottery.

(i) If the claim is presented to an on-line agent, the on-line agent shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. If the on-line agent cannot validate the claim, the claimant may obtain and complete a claim

form, as provided in WAC 315-06-120, and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(ii) If the claim is presented to the lottery, the claimant shall complete a claim form, as provided in WAC 315-06-120, and submit it with the winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(b) To claim an on-line prize of more than \$600.00, or any prize more than thirty days after the date of the drawing, the claimant shall obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

**WAC 315-30-040 DRAWINGS AND END OF SALES PRIOR TO DRAWINGS.** (1) Drawings shall be conducted in a location and at days and times designated by the director. Each on-line drawing script shall contain the statement, "Digits/Numbers/Symbols drawn are not official until validated".

(2) The director shall announce for each type of on-line game the time for the end of sales prior to the drawings. TDMs will not process orders for on-line tickets for that drawing after the time established by the director.

(3) The director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game.

(4) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be certified until all checks are completed. No prizes shall be paid until after the drawing is certified.

(5) All drawings shall be broadcast live on television provided the facilities for such broadcasts are available and operational.

(6) The director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (a) Drawing equipment malfunction before ((or during the drawing)) validation of the winning combination; (b) video and/or audio malfunction during the drawing; (c) fouled drawing ((mishaps)); (d) delayed drawing(((); and (e) other equipment, facility and/or personnel difficulties.

(7) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing shall be video taped for later broadcast, if broadcast time is available. The drawing shall be certified and the deviation documented on the certification form. The winning combination will be provided to the television network for dissemination to the public.

(8) ((The director shall invalidate any drawing affected by a drawing equipment malfunction)) If during any live-broadcasted drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all digits, numbers, or symbols, a "foul" shall be called by the lottery drawing official. Any digit/number/symbol drawn prior to a "foul" being called will stand and be deemed official after passing lottery validation tests.

(9) The director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing certified. If the drawing is not certified, another drawing will be conducted to determine the actual winner.

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

**WAC 315-31-020 PRICE OF TRIPLE CHOICE ON-LINE TICKET.** The base price of a triple choice on-line ticket shall be ((selected by the player, from \$5.00 to \$5.00, in increments of)) \$5.00 or \$1.00, except Six-Way Straight Box and Three-Way Straight Box tickets, which cost \$1.00 each.

**WSR 84-15-043  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed July 16, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amending of chapter 296-24 WAC, general safety and health standards, revision to WAC 296-24-217, servicing multi-piece and single piece rim wheels. This amended standard sets requirements for training all employees who service large vehicle rim wheels; for use of accepted safe practices and procedures; for the use of restraining devices, barriers or other safeguards; and for the use of other essential equipment. Compliance with the provisions of this standard, which

stresses safe procedures and training for multi-piece and single piece rim wheels, will decrease the potential for a rim wheel separation and the resulting fatality or injury. This revision mirrors change published in Federal Register Vol. 49, No. 24 on Friday, February 3, 1984.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21, 1984.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.060(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1984.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

The agency may need to change the date for formal decision for adoption on short notice. To ascertain the adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Richard E. Martin  
Industrial Safety and Health Division  
P.O. Box 207, Olympia, WA 98504  
(206) 753-6500

Dated: July 13, 1984  
By: Sam Kinville  
Director

#### STATEMENT OF PURPOSE

Title and Number of Rule or Chapter: Chapter 296-24 WAC, General safety and health standards, revision to WAC 296-24-217, Servicing multi-piece and single piece rim wheels.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Specific Statute that Rules are Intended to Implement: RCW 49.17.060(1).

Summary of the Rule: This amended standard sets requirements for training all employees who service large vehicle rim wheels; for use of accepted safe practices and procedures; for the use of restrained devices, barriers or other safeguards; and for the use of other essential equipment. Compliance with the provisions of this standard, which stresses safe procedures and training for multi-piece and single piece rim wheels, will decrease the potential for a rim wheel separation and the resulting fatality or injury.

Reasons Supporting the Proposed Rule: To ensure safe and healthful working conditions for every person working in the state of Washington; and to be in compliance with federal regulations.

The Agency Personnel Responsible for Drafting: Charles L. Preston, Chief of Technical Services, Division of Industrial Safety and Health, 814 East Fourth,

Olympia, Washington 98504, (206) 753-6381; Implementation: Richard E. Martin, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, (206) 753-6500; and Enforcement: Same as above.

Name of Person or Organization, whether Private, Public or Governmental that is Proposing the Rule: The Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

Portions of the rules are necessary to comply with a federal law, 29 U.S.C. Subsection 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Based on information contained in Federal Register Vol. 49 No. 24 published Friday, February 3, 1984, the state of Washington has determined that the standard will not have a significant economic effect on a substantial number of small entities. A small tire servicing entity is one which employs fewer than 20 people. Using the "worst case" basis for estimating the cost of compliance, the promulgation of this standard will cost the typical small garage (one supervisor and two employees) about \$32.50 the first year and between \$13 and \$16 per year each succeeding year. As the smaller firm services fewer rim wheels, it is believed that the minimal cost of compliance will not significantly affect small businesses and will not create any competitive disadvantages for small businesses.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-217 SERVICING MULTI-PIECE AND SINGLE PIECE WHEELS.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21701 SCOPE. (1) This section applies to the servicing of ((vehicle wheels which have tube-type tires mounted on multipiece rims as defined in WAC 296-24-21703)) multi-piece and single piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT".

(2) This section does not apply to employers and places of employment regulated under the Construction Safety Standards, chapter 296-155 WAC; Agriculture Standards, chapter 296-306 WAC; or the Maritime Standards, chapter 296-56 WAC.

(3) All provisions of this section apply to the servicing of both single piece rim wheels and multi-piece rim wheels unless designated otherwise.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21703 DEFINITIONS ((APPLICABLE TO THIS SECTION)). ((1) Charts - the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece

Rim/Wheel Matching Chart," or any other publications containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of multipiece rim wheels being serviced.

(2) Installing a wheel — the transfer and attachment of an assembled wheel onto a vehicle axle hub. Removing means the opposite of installing.

(3) Mounting a tire — the assembly or putting together of rim components, tube, liner (flap) and tire to form a wheel, including inflation. Demounting means the opposite of mounting.

(4) Multipiece rim — a vehicle wheel rim consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the rim by interlocking components when the tube is inflated, regardless of the sizes of the component parts.

(5) Restraining device — a mechanical apparatus such as a safety cage, rack or safety bar arrangement or other machinery or equipment specifically designed for this purpose, that will constrain all multipiece rim wheel components following their release during an explosive separation of the wheel components.

(6) Rim manual — a publication containing instruction from the manufacturer or other qualified organization for correct mounting, demounting, maintenance and safety precautions peculiar to the multipiece rim being serviced.

(7) Service or servicing — the mounting and demounting of multipiece rim wheels, and related activity such as inflating, deflating, installing, removing, maintaining, handling or storing of multipiece rim wheels, including inflating and deflating of wheels installed on vehicles.

(8) Service area — that part of an employer's premises used for the servicing of multipiece rim wheels, or any other place where an employee services multipiece rim wheels.

(9) Trajectory — any potential path or route that a lock ring, side ring, rim base and/or tire may travel during an explosive rim separation, and includes paths which may deviate from that perpendicular to the assembled position of the components on the rim base at the time of separation. (See illustration for examples of expected trajectories.)

(10) Wheel — an assemblage of tire, tube, and multipiece rim components.)

(1) "Barrier" means a fence, wall or other structure or object placed between a single piece rim wheel and an employee during tire inflation, to contain the rim wheel components in the event of the sudden release of the contained air of the single piece rim wheel.

(2) "Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multi-Piece Rim Wheel Matching Chart," or any other publications such as rim manuals containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of rim wheels being serviced.

(3) "Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

(4) "Mounting a tire" means the assembly or putting together of the wheel and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

(5) "Multi-piece rim wheel" means the assemblage of a multi-piece wheel with the tire tube and other components.

(6) "Multi-piece wheel" means a vehicle wheel consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated.

(7) "Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components that will constrain all rim wheel components during an explosive separation of a multi-piece rim wheel, or during the sudden release of the contained air of a single piece rim wheel.

(8) "Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

(9) "Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and wheel components.

(10) "Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

(11) "Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

(12) "Single piece rim wheel" means the assemblage of single piece rim wheel with the tire and other components.

(13) "Single piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

(14) "Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or the sudden release of the pressurized air, or an area at which an airblast from a single piece rim wheel may be released. The trajectory may deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories.)

(15) "Wheel" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of a vehicle and also provides the means to contain the inflated portion of the assembly (i.e., the tire and/or tube).

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

**WAC 296-24-21705 EMPLOYEE TRAINING.** (1) The employer shall provide a ((training)) program to train ((and instruct)) all employees who service ((multipiece)) rim wheels in the hazards involved in servicing those multipiece rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any ((multipiece)) rim wheel unless the employee has been trained and instructed in correct procedures of ((mounting, demounting, and all related services, activities, and correct safety precautions for the rim type being serviced,)) servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained ((on)) in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains ((his)) the ability to service ((multipiece)) rim wheels safely, including performance of the following tasks:

- (a) Demounting of tires (including deflation);
- (b) Inspection and identification of the rim wheel components;
- (c) Mounting of tires (including inflation ((within)) with a restraining device or other safeguard required by this section);
- (d) Use of the restraining device or barrier, and other equipment required by this section;
- (e) Handling of rim wheels;
- (f) Inflation of the tire((s)) when a single piece rim wheel is mounted on ((the)) a vehicle; ((and))
- (g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and
- (h) Installation and removal of wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service ((multipiece)) rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

**WAC 296-24-21707 TIRE SERVICING EQUIPMENT.** (1) The employer shall furnish ((and shall assure that employees use)) a restraining device for inflating tires on ((in servicing)) multi-piece (rim) wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during ((an explosive)) a rim wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the type of rim wheel((s)) being serviced.

(b) Restraining devices and barriers shall be capable of preventing rim components from being thrown outside or beyond ((the frame of))

the device or barrier for any rim wheel position within or behind the device((-));

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any ((explosive)) separation of the rim wheel components ((and any restraining devices exhibiting any of)) or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

- (i) Cracks at welds;
- (ii) Cracked or broken components;
- (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation; ((or))
- (iv) Pitting of components due to excessive corrosion; or
- (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices removed from service ((in accordance with subsection (1)(c) of this section;)) shall not be returned to service until they are ((inspected;)) repaired((, if necessary;)) and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified either by the manufacturer or by a registered professional engineer as meeting the strength requirements of subsection (((+)))((3)(a) ((and (b)))) of this section.

((2)) A clip-on chuck with a sufficient length of hose to permit the employee to stand clear of the potential trajectory of the wheel components, and an in-line valve with gauge or a pressure regulator preset to a desired value shall be furnished by the employer and used to inflate tires.)

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

- (i) A clip-on chuck;
- (ii) An in-line valve with a pressure gauge or a presettable regulator; and
- (iii) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

((3)) (5) Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

((4)) (6) A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.

((5)) (7) The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service ((the multipiece)) rim wheels.

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

**WAC 296-24-21709 WHEEL COMPONENT ACCEPTABILITY.** (1) Multi-piece wheel components shall not be interchanged except as provided in the charts, or in the applicable rim manual.

(2) Multi-piece wheel components and single piece wheels shall be inspected prior to assembly. ((Rim bases, side rings or lock rings which are)) Any wheel or wheel component which is bent out of shape, pitted from corrosion, broken or cracked shall not be used and shall be ((rendered unusable and discarded)) marked or tagged unserviceable and removed from the service area. Damaged or leaky valves shall be replaced.

(3) ((Mating surfaces of the rim gutter, rings and tire shall be free of any dirt, surface rust, scale or rubber buildup prior to mounting and inflation)) Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) The size (bead diameter and tire/wheel widths) and type of both the tire and the wheel shall be checked for compatibility prior to assembly of the rim wheel.

#### AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

**WAC 296-24-21711 SAFE OPERATING PROCEDURE—MULTI-PIECE RIM WHEELS.** The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure; or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) ((Tires shall be inflated only when contained by a restraining device, except that when the wheel assembly is on a vehicle, tires that are underinflated but have more than eighty percent of the recommended pressure, may be inflated while the wheel is on the vehicle if remote control inflation equipment is used and no employees are in the trajectory, and except as provided in subsection (5) of this section.

(5) When a tire is being partially inflated without a restraining device for the purpose of seating the lock ring or to round out the tube, such inflation shall not exceed 3 psig (0.21 kg/cm<sup>2</sup>).)) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a ((tire)) rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

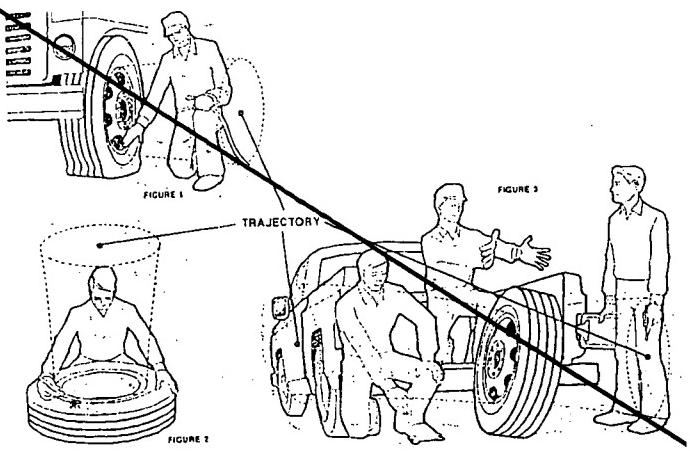
(7) After tire inflation, the tire((, rim and rings)) and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire((, rim or rings)) or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multi-piece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

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#### NOTE: ORDERING INFORMATION FOR NHTSA CHARTS

NHTSA has prepared safety information charts as part of a continuing campaign to alert truck and bus service personnel to the risk involved when working with multipiece truck and bus wheels.

Individuals who service such wheels may obtain a single copy of each chart, without cost, by writing to the General Services Division/Distribution, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

Reprints of the above mentioned charts are also available through the occupational safety and health administration (OSHA) area offices. The address and telephone number of the nearest OSHA area

office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Service establishments and other organizations desiring these charts may order them in any quantity desired from the Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402, at a cost established by the GPO. GPO ordering number for the charts are: Safety Chart - 050-003-00315-8, Cost: \$2.25; Matching Chart - 050-003-00316-6, Cost: \$2.00.)

(11) No heat shall be applied to a multi-piece wheel or wheel component.

#### NEW SECTION

**WAC 296-24-21713 SAFE OPERATING PROCEDURE—SINGLE PIECE RIM WHEELS.** The employer shall establish a safe operating procedure for servicing single piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.

(3) Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

(4) If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.

(7) Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

(8) Employees shall stay out of the trajectory when inflating a tire.

(9) Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

(10) Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

(11) No heat shall be applied to a single piece wheel.

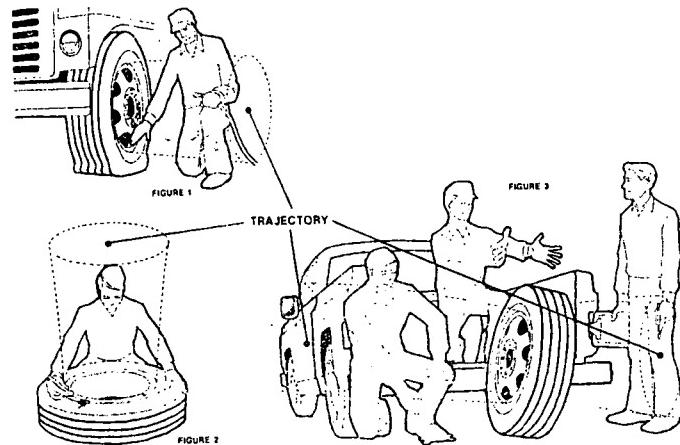
(12) Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

#### APPENDIX A TRAJECTORY

##### WARNING

STAY OUT OF  
THE TRAJECTORY AS  
INDICATED BY SHADED AREA

NOTE: Under some circumstances, the trajectory may deviate from its expected path.



#### Appendix B—Ordering Information for NHTSA Charts

OSHA has reprinted the NHTSA Charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multi-piece rim wheels.

Reprints of the charts are available through the Occupational Safety and Health Administration (OSHA) Area Offices. The address and telephone number of the nearest OSHA Area Office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Individuals, establishments and other organizations desiring multiple copies of these charts may order them from the Publications Office, U.S. Department of Labor, Room N4101, Washington, D.C. 20210. Telephone: (202) 523-9667.

#### WSR 84-15-044 EMERGENCY RULES GAMBLING COMMISSION

[Order 141—Filed July 16, 1984]

Be it resolved by the Washington State Gambling Commission, acting at Chelan, Washington, that it does adopt the annexed rules relating to the amendment to WAC 230-04-201.

We, the Washington State Gambling Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is an amendment to WAC 230-04-201 Fees. This corrects a typographical error in the fee schedule adopted June 15, 1984, in Olympia, and would cost potential license renewals an additional \$25 if not implemented to become effective the same date as the new fee schedule.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 9.46.070(11) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED July 12, 1984.**

By Ronald O. Bailey  
Deputy Director

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

**WAC 230-04-201 FEES.** Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT	(Fee based on annual net receipts)	
GAMES		
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s))	
(See WAC 230-04-325)		25
LICENSE	(See WAC 230-04-260) New class fee less previous fee paid, plus	25
CLASS		
DUPLICATE		
LICENSE	(See WAC 230-04-290)	25
REPLACEMENT		
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
6. FUND RAISING		
EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300

<i>Class B</i>	<i>One event not more than 72 consec. hrs.</i>	<i>500</i>
<i>Class C</i>	<i>Additional participant in joint event (not lead organization)</i>	<i>150</i>
<hr/>		
<b>7. PERMITS</b>	<i>Agricultural fair/special property bingo</i>	
<i>Class A</i>	<i>One location and event only (see WAC 230-04-191)</i>	<i>\$ 25</i>
<i>Class B</i>	<i>Annual permit for specified different events and locations (see WAC 230-04-193)</i>	<i>150</i>
<hr/>		
<b>8. PUNCHBOARDS/</b>	<i>(Fee based on annual gross receipts)</i>	
<i>PULL TABS</i>		
<i>Class A</i>	<i>Up to \$50,000</i>	<i>\$ 450</i>
<i>Class B</i>	<i>\$50,001 to 100,000</i>	<i>950</i>
<i>Class C</i>	<i>\$100,001 to 200,000</i>	<i>1,350</i>
<i>Class D</i>	<i>\$200,001 to 300,000</i>	<i>1,750</i>
<i>Class E</i>	<i>\$300,001 to 500,000</i>	<i>2,150</i>
<i>Class F</i>	<i>Over \$500,000</i>	<i>3,000</i>
<hr/>		
<b>9. RAFFLES</b>	<i>(Fee based on annual net receipts)</i>	
<i>Class C</i>	<i>\$500 or less</i>	<i>\$ 50</i>
<i>Class D</i>	<i>\$501 - 5,000</i>	<i>100</i>
<i>Class E</i>	<i>\$5,001 - 15,000</i>	<i>400</i>
<i>Class F</i>	<i>Over \$15,000</i>	<i>600</i>
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<b>10. SEPARATE PREMISES</b>		
<i>BINGO</i>	<i>Occasion (see WAC 230-04-300)</i>	<i>\$ 25</i>
<i>RAFFLES</i>	<i>(See WAC 230-04-197)</i>	<i>25</i>
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<b>11. SPECIAL FEES</b>		
<i>INVESTIGATION</i>	<i>(See WAC 230-04-240)</i>	
<i>IDENTIFICATION AND INSPECTION STAMP</i>	<i>(See WAC 230-30-015 and 230-30-030)</i>	

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
<b>1. CARD GAMES</b>		
<i>Class B</i>	<i>(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, coon-can and/or cribbage</i>	<i>\$ 150</i>
<i>Class C</i>	<i>Tournament only, no more than ten consec. days per tournament</i>	<i>150</i>
<i>Class D</i>	<i>General (no fee to play charged)</i>	<i>((75)) 50</i>
<i>Class E</i>	<i>General (fee to play charged)</i>	
<i>E-1</i>	<i>One table only</i>	<i>350</i>
<i>E-2</i>	<i>Up to two tables</i>	<i>600</i>
<i>E-3</i>	<i>Up to three tables</i>	<i>1,000</i>
<i>E-4</i>	<i>Up to four tables</i>	<i>2,000</i>
<i>E-5</i>	<i>Up to five tables</i>	<i>3,000</i>
<hr/>		
<b>2. CHANGES</b>		
<i>NAME</i>	<i>(See WAC 230-04-310)</i>	<i>\$ 25</i>
<i>LOCATION</i>	<i>(See WAC 230-04-320)</i>	<i>25</i>
<i>BUSINESS</i>		
<i>CLASSIF.</i>	<i>(Same owners – see WAC 230-04-340(3))</i>	<i>50</i>

<i>LICENSE</i>	<i>(See WAC 230-04-260) New class fee, less previous fee paid, plus</i>	25
<i>CLASS</i>		
<i>DUPLICATE</i>		
<i>LICENSE</i>	<i>(See WAC 230-04-290)</i>	25
<i>REPLACEMENT</i>		
<i>IDENTIFICATION STAMPS</i>	<i>(See WAC 230-30-016)</i>	25
<i>LICENSE TRANSFERS</i>	<i>(See WAC 230-04-125, 230-04-340 and 230-04-350)</i>	50
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3. <i>DISTRIBUTOR</i>	<i>Original Renewal</i>	<i>\$2,500 1,250</i>
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4. <i>DISTRIBUTOR'S REPRESENT- ATIVE</i>	<i>Original Renewal</i>	<i>\$ 200 100</i>
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5. <i>MANUFACTURER</i>	<i>Original Renewal</i>	<i>\$3,000 1,500</i>
<hr/>		
6. <i>MANUFACTURER'S REPRESENT- ATIVE</i>	<i>Original Renewal</i>	<i>\$ 200 100</i>
<hr/>		
7. <i>PERMITS</i>	<i>Agriculture fair/special property bingo</i>	<i>\$ 25</i>
<i>Class A</i>	<i>One location and event only (see WAC 230-04-191)</i>	
<i>Class B</i>	<i>Annual permit for specified different events and locations (see WAC 230-04-193)</i>	150
<hr/>		
8. <i>PUBLIC CARD ROOM EMPLOYEE</i>	<i>Original Renewal</i>	<i>\$ 150 75</i>
<hr/>		
9. <i>PUNCHBOARDS/ PULL TABS</i>	<i>(Fee based on annual gross receipts)</i>	
<i>Class A</i>	<i>Up to \$50,000</i>	<i>\$ 450</i>
<i>Class B</i>	<i>\$50,001 to 100,000</i>	950
<i>Class C</i>	<i>\$100,001 to 200,000</i>	1,350
<i>Class D</i>	<i>\$200,001 to 300,000</i>	1,750
<i>Class E</i>	<i>\$300,001 to 500,000</i>	2,150
<i>Class F</i>	<i>Over \$500,000</i>	3,000
<hr/>		
10. <i>SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP</i>	<i>(See WAC 230-04-240)  (See WAC 230-30-015 and 230-30-030)</i>	
<hr/>		
11. <i>SPECIAL LOCATION AMUSEMENT GAMES</i>	<i>(Fee based on annual net receipts)</i>	
<i>Class A</i>	<i>One event per year lasting no longer than 12 consec. days</i>	<i>\$ 500 500</i>
<i>Class B</i>	<i>\$25,000 or less</i>	1,500
<i>Class C</i>	<i>\$25,001 - 100,000</i>	3,000
<i>Class D</i>	<i>\$100,001 - 500,000</i>	5,000
<i>Class E</i>	<i>Over \$500,000</i>	

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 84-15-045  
PROPOSED RULES  
SECRETARY OF STATE**  
[Filed July 16, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning the maintenance of voter registration records on data processing systems, the transfer of information from such systems to the secretary of state, and the subsequent transfer of the same information to political parties, amending sections in chapter 434-24 WAC and repealing chapter 434-20 WAC;

that the agency will at 10:00 a.m., Monday, August 13, 1984, in the Office of the Secretary of State, Legislative Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 29.04.080.

The specific statute these rules are intended to implement is RCW 29.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 13, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-12-086 filed with the code reviser's office on June 6, 1984.

Dated: July 16, 1984  
By: Ralph Munro  
Secretary of State

**WSR 84-15-046  
NOTICE OF PUBLIC MEETINGS  
SEATTLE COMMUNITY  
COLLEGE DISTRICT**  
[Memorandum—July 10, 1984]

The regular meeting of the board of trustees, scheduled for August 6, 1984, has been cancelled. The next regular meeting of the board is scheduled for September 10, 1984, at 6:30 p.m. in the President's Board Room at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106.

**WSR 84-15-047  
NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION**  
[Memorandum—July 13, 1984]

The hospitals scheduled for hearing on July 12, 1984, have been included on the tentative agenda for the August 2, 1984, hearing. If new appointments to the commission are made and the July 12 meeting can be continued to a date prior to August 2, a notice will be mailed to all interested parties.

**WSR 84-15-048  
NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION**  
[Memorandum—July 13, 1984]

The State Hospital Commission will meet in Seattle at the Doubletree Inn on Thursday, August 2, 1984, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are scheduled for August 23, September 13, October 4 and 25, November 15, and December 5 and 6 at the Vance Airport Inn; December 11 and 12 at the Hallmark Inn, Moses Lake; and December 20 at the Vance Airport Inn.

**WSR 84-15-049  
EMERGENCY RULES  
SECRETARY OF STATE**  
[Order 84-1—Filed July 16, 1984]

I, Ralph Munro, Secretary of State, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forms used by candidates filing for public office and for the office of precinct committeeman.

I, Ralph Munro, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the candidate filing period begins July 30 and concludes on August 3. The rules establishing the new forms would not be in effect with the normal thirty-day effective date.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Secretary of State as authorized in RCW 29.04.080.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 16, 1984.

By Ralph Munro  
Secretary of State

**AMENDATORY SECTION** (Amending Order 80-1,  
filed 4/8/80)

**WAC 434-28-012 DECLARATION AND AFFIDAVIT OF CANDIDACY—OFFICES SUBJECT TO A PRIMARY.** Declarations and affidavits of candidacy for all partisan and nonpartisan offices (~~subject to a primary~~) shall be filed in substantially the following form:

~~((DECLARATION AND AFFIDAVIT OF CANDIDACY))~~

State of Washington →  
\_\_\_\_\_) ss.  
County of \_\_\_\_\_ →

~~DECLARATION~~

- (1) I, (Print name as you are registered to vote), declare that I am a registered voter residing at \_\_\_\_\_, (Street and number or rural route), (City or town), (Zip code), County of \_\_\_\_\_, state of Washington, that, at the time of filing this declaration, I am legally qualified to assume office if elected, that I hereby declare myself a candidate for nomination to the office of \_\_\_\_\_.

(2) (Name of the office)  
(Congressional or legislative district;  
county, city, or other jurisdiction)  
(Position number, if applicable)  
(Director or commissioner district, if any), for  
(3)  a full term or a full term and a short term or  
 an unexpired term at the primary election to be held on the \_\_\_\_\_ day of September, 19\_\_\_\_\_, that

(4)  this office is nonpartisan or  
 this office is partisan and I hereby request that my name be printed on the official primary ballot as  
 a candidate of the \_\_\_\_\_ party or  
 an independent candidate nominated pursuant to chapter 29.24 RCW and, that

(5)  there is no filing fee because the office is without a fixed annual salary, or  
 I accompany herewith the sum of \_\_\_\_\_ dollars, the fee required by law of me for becoming a candidate, or  
 I am without sufficient assets or income to pay the fee required by law.

~~AFFIDAVIT~~

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington:

(Print name exactly as you wish  
(Phone number, optional) it to appear on the ballot)

Subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_. (Signature of acknowledging official)

(SEAL)

**DECLARATION AND AFFIDAVIT OF CANDIDACY**

1. I, \_\_\_\_\_ (print name as you are registered to vote) am a registered voter residing at:

2. \_\_\_\_\_ (street address or rural route) \_\_\_\_\_ (telephone no.)  
 \_\_\_\_\_ (city) \_\_\_\_\_ (county) \_\_\_\_\_ (zip code)  
 and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of: \_\_\_\_\_ (name of office)  
 (congressional or legislative district, county, city, or other jurisdiction)

(position number if applicable) \_\_\_\_\_ (director or commissioner district, if any)

4. For the following term of office:  
 a full term or a full term and a short term, or  
 an unexpired term

5. At the primary in September, 19\_\_\_\_\_

6. This office is:  
 Nonpartisan, or  
 Partisan, and I am:  
 a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW

7. Filing Fee (Check one):  
 There is no filing fee because the office has no fixed annual salary, or  
 I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or  
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050

8. Please print my name on the ballot exactly as follows:

(please print)

9. Sign Here \_\_\_\_\_

(signature of candidate as registered to vote)

**\*Note:** Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(signature of acknowledging official)

(title of acknowledging official)

Candidate: Return all copies of this declaration to your Elections  
Dept. Distribution by Elections Dept.: White—County, Yellow—PDC,  
Pink—Candidate

Link - Candidate  
The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29-18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission, shall be returned to the candidate.

AMENDATORY SECTION (Amending Order 75-1, filed 6/26/75)

**WAC 434-28-020 DECLARATION OF CANDIDACY—PRECINCT COMMITTEEMAN.** Declarations and affidavits of candidacy for the office of precinct committeeman, shall be filed in the form hereinafter set forth:

**DECLARATION AND AFFIDAVIT OF CANDIDACY**

State of Washington      }  
                              } ss.  
County of .....      }

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of ....., state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committeeman to be elected at the general election to be held on the ..... day of November, 19.., and hereby request that my name be printed upon the official general election ballots as a candidate of the ..... party, and:

I accompany herewith the sum of ..... dollars, the fee required by law of me for becoming a candidate, or

(( I am without sufficient assets or income to pay the fee required by law.))

**AFFIDAVIT**

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

.....  
(Signature of candidate)

Subscribed and sworn to before me this ..... day of ..... , 19...  
.....

.....  
(Signature of acknowledging official)

(SEAL)

.....  
(Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty pound bond or a comparable substitute. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 434-28-040 DECLARATION OF CANDIDACY—NONPARTISAN OFFICES NOT SUBJECT TO A PRIMARY.**

**WSR 84-15-050****ADOPTED RULES****SECRETARY OF STATE**

[Order 84-2—Filed July 16, 1984]

I, Ralph Munro, Secretary of State, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forms used by candidates filing for public office and for the office of precinct committeeman.

This action is taken pursuant to Notice No. WSR 84-12-084 filed with the code reviser on June 6, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Secretary of State as authorized in RCW 29.04.080.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 16, 1984.

By Ralph Munro  
Secretary of State

AMENDATORY SECTION (Amending Order 80-1, filed 4/8/80)

**WAC 434-28-012 DECLARATION AND AFFIDAVIT OF CANDIDACY—OFFICES SUBJECT TO A PRIMARY.** Declarations and affidavits of candidacy for all partisan and nonpartisan offices ((subject to a primary)) shall be filed in substantially the following form:

**(DECLARATION AND AFFIDAVIT OF CANDIDACY)**

State of Washington →  
..... ) ss.  
County of ..... )

**DECLARATION** 1 —

- (1) I, (Print name as you are registered to vote), declare that I am a registered voter residing at (Street and number or rural route), (City or town), (Zip code), County of ....., state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of .....
- (2) (Name of the office)  
(Congressional or legislative district, county, city, or other jurisdiction)  
(Position number, if applicable)  
(Director or commissioner district, if any), for  
 a full term or a full term and a short term or  
 an unexpired term at the primary election to be held on the ..... day of September, 19 ..... that
- (3)  this office is nonpartisan or  
 this office is partisan and I hereby request that my name be printed on the official primary ballot as  
 a candidate of the ..... party or  
 an independent candidate nominated pursuant to chapter 29.24 RCW and, that
- (4)  there is no filing fee because the office is without a fixed annual salary, or

- I accompany herewith the sum of \_\_\_\_\_ dollars, the fee required by law of me for becoming a candidate; or  
 I am without sufficient assets or income to pay the fee required by law.

(signature of acknowledging official)

(title of acknowledging official)  
 Candidate: Return all copies of this declaration to your Elections Dept. Distribution by Elections Dept.: White—County; Yellow—PDC; Pink—Candidate

The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission, shall be returned to the candidate.

#### AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington:

\_\_\_\_\_  
 (Print name exactly as you wish  
 (Phone number, optional) it to appear on the ballot)

\_\_\_\_\_  
 (Signature of candidate as registered to vote)  
 Subscribed and sworn to before me this \_\_\_\_\_ day of  
 19\_\_\_\_\_  
 (Signature of acknowledging official)

\_\_\_\_\_  
 (SEAL) (Title of acknowledging official))

#### DECLARATION AND AFFIDAVIT OF CANDIDACY

1. I, \_\_\_\_\_ (print name as you are registered to vote) am a registered voter residing at:  
 \_\_\_\_\_ (street address or rural route) \_\_\_\_\_ (telephone no.)  
 \_\_\_\_\_ (city) \_\_\_\_\_ (county) \_\_\_\_\_ (zip code)  
 and at the time of filing this declaration I am legally qualified to assume office if elected.
2. I declare myself as a candidate for nomination to the office of:  
 \_\_\_\_\_ (name of office)  
 (congressional or legislative district, county, city, or other jurisdiction)
3. (position number if applicable) \_\_\_\_\_ (director or commissioner district, if any)
4. For the following term of office:  
 a full term or a full term and a short term, or  
 an unexpired term
5. At the primary in September, 19\_\_\_\_\_
6. This office is:  
 Nonpartisan, or  
 Partisan, and I am:  
 a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW
7. Filing Fee (Check one):  
 There is no filing fee because the office has no fixed annual salary, or  
 I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or  
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050
8. Please print my name on the ballot exactly as follows:  
 \_\_\_\_\_ (please print)

I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

9. Sign Here \_\_\_\_\_ (signature of candidate as registered to vote)

\*Note: Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_  
 \_\_\_\_\_ (Signature of acknowledging official)

#### AMENDATORY SECTION (Amending Order 75-1, filed 6/26/75)

WAC 434-28-020 DECLARATION OF CANDIDACY—PRECINCT COMMITTEEMAN. Declarations and affidavits of candidacy for the office of precinct committeeman, shall be filed in the form hereinafter set forth:

#### DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington } ss.  
 County of .....  
 County of .....  
 County of .....  
 County of .....

I, \_\_\_\_\_ (Name as it will appear on ballot), declare that I am a registered voter residing at \_\_\_\_\_ (Street and Number or Rural Route), \_\_\_\_\_ (City or Town), County of \_\_\_\_\_, state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committeeman to be elected at the general election to be held on the \_\_\_\_\_ day of November, 19\_\_\_\_\_, and hereby request that my name be printed upon the official general election ballots as a candidate of the \_\_\_\_\_ party, and:

I accompany herewith the sum of ..... dollars, the fee required by law of me for becoming a candidate; or

( I am without sufficient assets or income to pay the fee required by law.)

#### AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

.....  
 (Signature of candidate)

Subscribed and sworn to before me this ..... day of ..... 19....

.....  
 (Signature of acknowledging official)

(SEAL)

.....  
 (Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty pound bond or a comparable substitute. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-28-040 DECLARATION OF CANDIDACY—NONPARTISAN OFFICES NOT SUBJECT TO A PRIMARY.

**WSR 84-15-051  
ADOPTED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Order 84-10—Filed July 17, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to this order adopts, amends, and deletes several sections in chapter 296-46 WAC, safety standards, installing electrical wires and equipment, and administrative rules. WAC 296-46-110 foreword, is being amended to adopt the 1984 edition of the National Electrical Code; notice is being given of a location change from Olympia to Seattle; WAC 296-46-130 classification of occupancies, is being amended to clarify classification of occupancies; WAC 296-46-140 plan review for educational and health care facilities and other buildings, is being amended to clarify classifications and to update the location where plans can be reviewed and to delete the fee structure from this section; WAC 296-46-150 wiring methods for designated building occupancies, is being amended to comply with the National Electrical Code except for the wiring methods in Section 518-3 Ex-1; WAC 296-46-160 service requirements, is being amended to comply with the National Electrical Code. Amended wording also includes "related equipment" which will aid the serving utility; WAC 296-46-180 meter installation, is amended to add the wording "Secondary instrument transformer conductors for metering shall not be permitted in the service raceway." This change will be an added safety factor; WAC 296-46-200 service entrance conductors, is being amended to clarify the use and requirements for unfused service entrance conductors; WAC 296-46-220 service equipment, is being amended to upgrade safety precautions and to clarify the section; WAC 296-46-240 service mast, is being amended to clarify the verbiage and appropriately add the word "shall"; WAC 296-46-350 emergency systems, is being amended to comply with the National Electrical Code; WAC 296-46-360 carnivals, circuses, and traveling shows, is being amended to add the terms "and shall use type" and "for each concession or ride," for clarification; WAC 296-

46-370 boat moorages and similar installations, is being amended to simplify the location of a disconnect. The section is also being amended to conform with the National Electrical Code; WAC 296-46-420 electrical equipment grounding, is being amended to conform with the National Electrical Code and to simplify electrical inspections; WAC 296-46-480 location of pad-mounted transformers, is being amended to conform with the National Electrical Code and to correct and eliminate verbiage; WAC 296-46-490 location of total underground transformers, is being amended to add the word "oil-filled" regarding the type of underground transformer. All of the following sections are being repealed to avoid conflict or redundancy because of the adoption of the National Electrical Code: WAC 296-46-120 workmanship; 296-46-170 clearance of service drop for single family or duplex residences; 296-46-190 current transformers; 296-46-210 service entrance cable; 296-46-230 service entrance; 296-46-242 transformers neutral grounding; 296-46-244 utility conductor limitations; 296-46-270 metallic plumbing lines; 296-46-280 garbage disposal, waste disposal or waste compactor appliances, and dishwasher circuits; 296-46-290 range circuit; 296-46-300 water heaters; 296-46-335 unfinished areas; 296-46-355 mobile home connections; 296-46-380 rockcrushers; 296-46-390 woodworking plants; 296-46-424 residential occupancies, ground fault circuit interrupters; and 296-46-426 bonding agricultural structures and equipment. All of the following sections are being repealed to comply with chapter 19.28 RCW: WAC 296-46-500 electrical advisory board; 296-46-501 board of electrical examiners; 296-46-535 appearance and practice before advisory board; 296-46-540 solicitation of business unethical; 296-46-545 standards of ethical conduct; 296-46-550 appearance by former employee; 296-46-555 former employee as expert witness; 296-46-560 computation of time; and 296-46-565 Administrative Procedure Act. The following rules are being repealed because they are adequately covered in the 1984 edition of the National Electrical Code: WAC 296-46-590 electric heating; 296-46-59005 Appendix A—Residential heat loss tables; 296-46-59010 Appendix B—Outdoor design temperatures; 296-46-900 Appendix C—Drawing E-103; and 296-46-905 Appendix D—Drawing E-104.

This action is taken pursuant to Notice No. WSR 84-07-010 filed with the code reviser on March 12, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.28.010 and 19.28.060 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 17, 1984.

By Sam Kinville  
Director

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

~~WAC 296-46-110 FOREWORD.~~ ((These rules and regulations are issued by the Electrical Inspection Section of the Department of Labor and Industries under the authority of chapter 19.28 RCW, Electrical Installations Law. The department is empowered by law to enforce these rules and regulations and the National Electrical Code.))

The ((1981)) 1984 edition((;)) of the National Electrical Code((;)) is hereby adopted by reference as part of ((these rules and regulations)) this chapter. ((The rules and regulations are adopted for the safety of the public and are to be used in connection with the 1981 edition of the National Electrical Code.)) Other codes, manuals, and reference works referred to in this ((code will be)) chapter are available for inspection and review in the Seattle office of the electrical ((Inspection)) section of the ((Division of Building and Construction Safety Inspection Services, Olympia,)) department during business hours. Where there is any conflict between ((the rules and regulations)) a specific rule, this chapter and the National Electrical Code, ((the rules and regulations)) the specific rule shall be observed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code and ((these rules and regulations)) this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

((A copy of chapter 19.28 RCW, Electrical Installations Law, may be obtained from the Department of Labor and Industries.))

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

WAC 296-46-130 CLASSIFICATION OF OCCUPANCIES. (1) Educational occupancy ((means)) refers to a building or ((that)) portion ((thereof)) of a building used primarily for educational purposes and shall include buildings used for the gathering of groups of six or more persons for purposes of instruction. Educational occupancy includes, but is not restricted to: Schools, colleges, academies, and universities.

(2) Institutional occupancy ((means)) refers to a building or ((that)) portion ((thereof where persons are harbored to receive care and are incapable of self-preservation or unable to provide for their own needs and safety without assistance of another person)) of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies shall include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(3) Health care occupancy ((refers to hospitals, nursing homes, psychiatric hospitals, alcoholism hospitals, alcoholism detoxification facilities, residential treatment facilities for psychiatrically impaired children and youth and such other health care occupancies)), in addition to the health care facilities defined in the 1984 National Electrical Code in Article 517-2, shall also include, but

is not restricted to the following: Ambulatory surgeries, alcoholism hospitals, alcoholism detoxification facilities, residential treatment facilities for psychiatrically impaired children and youth, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated. ((See the National Electrical Code, Section 517-2 for the definition of health care facilities.))

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

WAC 296-46-140 PLAN REVIEW FOR EDUCATIONAL((;)) AND HEALTH CARE FACILITIES AND OTHER BUILDINGS. (1) All plans for new or altered electrical installations in educational, institutional, and health care occupancies shall be reviewed and ((accepted)) approved by the ((State Electrical Inspection Section prior to beginning such)) department before the installations are begun. Refer plans for review to the Electrical ((Division, 1616-B Northeast 150th, Seattle, WA 98155)) Inspection Section, Department of Labor and Industries, 520 South Water Street, Olympia, Washington 98504. Please refer to WAC 296-46-910 for required fees for plan review.

(2) Plan((s)) review for new or altered electrical installations ((in health care occupancies and other facilities which are required to submit plans for new construction for review by the Construction Review Unit, State Department of Social and Health Services, are to be sent directly to that unit where they will be reviewed by the Department of Labor and Industries, Electrical Division.

(3) Charges for plan review of educational type buildings not including installations reviewed under subsection (2) of this section, will be based upon twenty percent of the job label fee as determined by WAC 296-46-495, plus a fee of twenty-five dollars. Review fee shall be due at time of plan submittal.

(4) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or other interested parties. The fee for such review service will be based upon an hourly rate of \$30.00 per hour or major fraction thereof) of other types of construction may be voluntarily requested by the owner or other interested parties.

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

WAC 296-46-150 WIRING METHODS FOR DESIGNATED BUILDING OCCUPANCIES. ((The fixed)) Wiring methods for institutional, educational ((and)), health care ((occupancies shall be metal raceway, nonmetallic raceways encased in not less than two inches of concrete, M.I. or M.C. cable.

EXCEPTION No. 1—For signal and control circuits, open cable wiring approved for the purpose shall be permitted for Class 2 signal and control circuits as defined in Article 725 of the National Electrical Code for other than the following circuits and/or systems;

nurse call systems, fire alarm systems actuated at manual stations, electric water flow alarm devices in connection with sprinkler systems, automatic fire or smoke or products of combustion devices, alarms required for systems used in the piping of nonflammable medical gases and communications systems used for issuing instructions during emergency conditions.

**EXCEPTION No. 2** Open cable wiring approved for the purpose of (NFPA Bulletin No. 71) shall be permitted for Central Station Protective Systems installed and operator manned and supervised in accordance with the latest adopted edition of the National Fire Protection Association Bulletin No. 71 in other than hospitals and nursing homes.

**EXCEPTION No. 3** Clinics, dental and medical offices and like occupancies except in patient care areas.

(2) Buildings to be licensed as boarding homes, alcoholism treatment facilities (other than alcoholism hospitals and alcoholism detoxification facilities), or birthing centers shall provide a safe electrical environment. A Certificate of Electrical Inspection shall be obtained prior to occupancy.

Buildings of such use that are more than two stories in height or have more than 3,000 square feet of floor area above the first story shall be wired in metallic raceway.

(3) Other buildings. The fixed wiring method in the following building occupancies shall be busways, metal raceways, nonmetallic raceways encased in not less than two inches of concrete, cable trays or types SNM, TC, MI, MC cables, subject to the National Electrical Code.

(a) Commercial buildings. Commercial buildings open to the public and designed, intended or used for the purpose of accommodating 200 or more persons. For determination of such population capacity, the following number of square feet per person shall be applied: for standing capacity, 3 square feet per person for such building areas as transit stations, bus depots, court rooms and like buildings; for fixed seating capacity, 6 square feet per person for such building areas as church chapels, conference rooms, multipurpose rooms and like buildings; for all other such commercial buildings, 25 square feet per person. Occupant capacity noted in Article 518 of the National Electrical Code governing those occupancies designated will not be recognized.

(b) Industrial plants. Industrial plants, except that open conductors of No. 4/0 or larger size may be installed on insulators not less than 20 feet above floor or working surface level in accordance with Article 320 of the National Electrical Code.

**EXCEPTION NO. 1** For signal and control circuits, other than those defined as Class 1 circuits per National Electrical Code, Sections 725-3(a) and 725-4, open cable wiring approved for the purpose shall be permitted for Class 2 signal and control circuits installed in accordance with Article 725 of the National Electrical Code.

**EXCEPTION NO. 2** Open cable wiring approved for the purpose (NFPA Bulletin No. 71) shall be permitted for Central Station Protective Systems installed and operator manned and supervised in accordance with the latest adopted edition of the National Fire Protection Association Bulletin No. 71.

**EXCEPTION No. 3** Rigid nonmetallic conduit may be installed in areas outlined in National Electrical Code Section 300-6.

(4) Multifamily occupancy buildings (i.e., apartment buildings, hotels, motels and dormitories) of two or more stories, not including basement, shall be wired in accordance with Chapter 3 of the National Electrical Code except feeders and subfeeders in such buildings shall be wired in a raceway(s)) facilities, and places of assembly of one hundred or more persons shall be wired as set forth in Article 518 of the National Electrical Code. The wiring methods in Section 518-3, Exception 1 shall not be permitted. For determining the occupant load of places of assembly, the methods in NFPA 101-1981, Life Safety Code shall be used.

**AMENDATORY SECTION** (Amending Order 69-2, filed 2/28/69, effective 4/1/69)

**WAC 296-46-160 SERVICE REQUIREMENTS.** The serving utility shall be consulted by the owner, ((his)) the owner's agent, or the contractor making the installation regarding the service entrance location ((before installing)) and meter equipment requirements before installing the service and equipment. Provisions for a meter((,)) and related equipment, an attachment of a service drop, or ((for)) an underground service lateral shall be made at a location acceptable to the serving utility. The point of attachment for a service drop must permit the clearances required by ((law)) the National Electrical Code.

**AMENDATORY SECTION** (Amending Order 74-43, filed 12/19/74)

**WAC 296-46-180 METER ((LOCATION)) INSTALLATION.** Except as otherwise permitted by the serving utility, the height of the center of the meter ((height)) shall not be more than 7 feet or less than 5 feet above finished grade or the floor below the meter. ((The center of the meter shall be the point of reference.)) Secondary instrument transformer conductors for metering shall not be permitted in the service raceway.

**AMENDATORY SECTION** (Amending Order 77-31, filed 1/31/78)

**WAC 296-46-200 SERVICE ENTRANCE CONDUCTORS.** (1) Service entrance conductors shall extend at least 18 inches from the service head to permit connection to the service drop. ((See National Electrical Code, Section 230-54.))

(2) Service entrance conductors shall extend no more than 15 feet inside a building.

(3) Unfused code grade conductors 600 volts or less shall be installed in a metallic raceway when within the building structure. See National Electrical Code, Section 230-44.))

(2) Unfused service conductors within a building or structure shall be installed in the metallic raceways, other than electrical metallic tubing, permitted in Section 230-43 of the National Electrical Code or in schedule 80 rigid nonmetallic conduit. The raceway shall

extend no more than fifteen feet inside the building or structure.

(3) Service conductors under the exclusive control of the serving utility, when installed within a building or structure shall be installed in rigid steel galvanized conduit or schedule 80 nonmetallic conduit and shall comply with subsection (2) of this section. The grounded conductor may be identified with a yellow jacket.

**AMENDATORY SECTION** (Amending Order 77-31, filed 1/31/78)

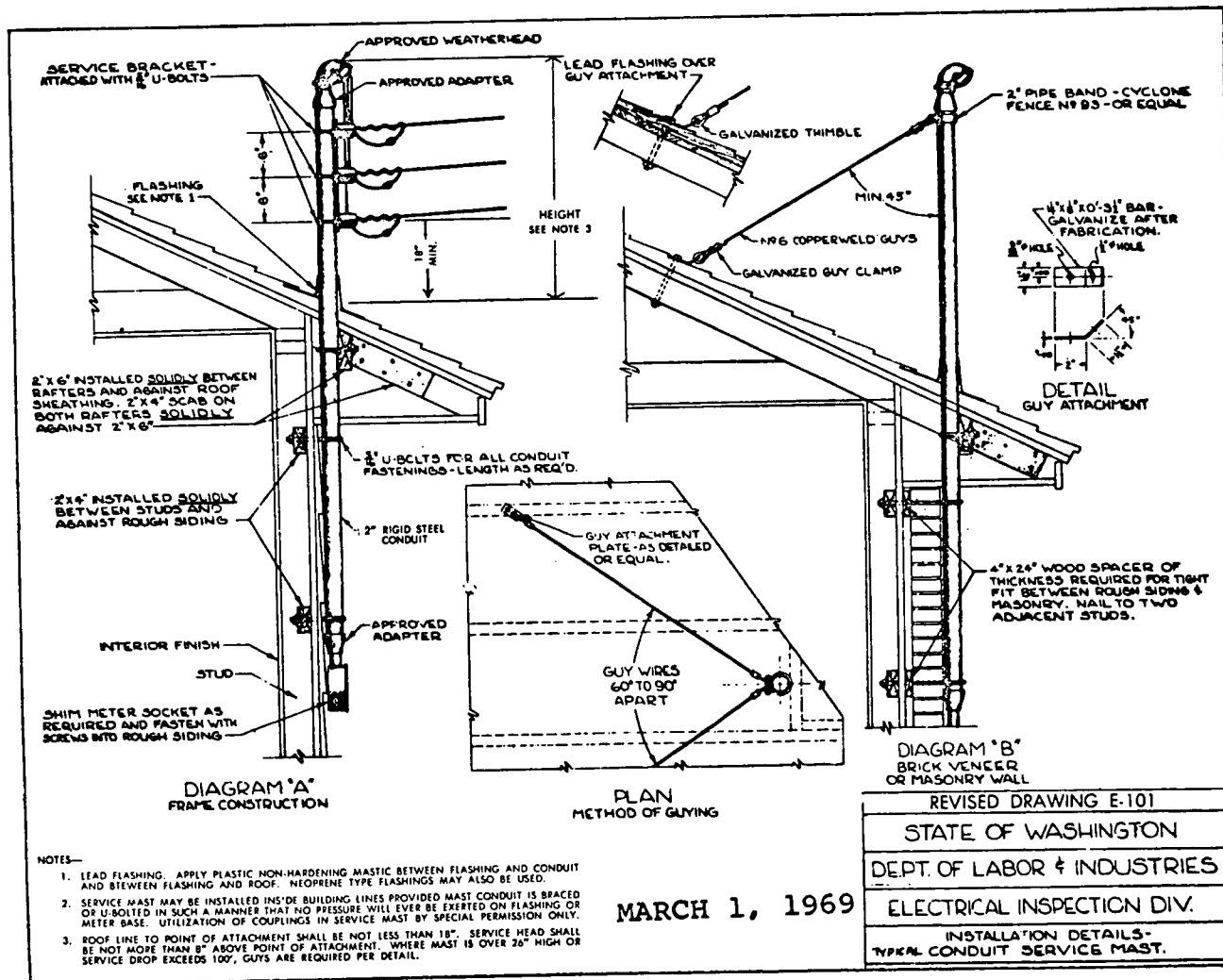
**WAC 296-46-220 SERVICE EQUIPMENT.** Service equipment, sub-panels, and similar electrical equipment shall be installed so that they are readily accessible and shall not be installed in bathrooms, clothes closets, shower rooms, cupboards, or attics, ((nor)) or above washers, clothes dryers, or plumbed-in fixtures. All service equipment and sub-panel equipment shall be adequately illuminated.

((Service equipment shall be readily accessible after any subsequent building additions.))

Service switches and other equipment exposed to elements of the outside weather shall be rain tight type factory built for the purpose. Refer to NEMA-3R.

**AMENDATORY SECTION** (Amending Order 69-2, filed 2/28/69, effective 4/1/69)

**WAC 296-46-240 SERVICE MAST.** A service entrance conduit extended through the roof to provide a means of attaching the service drop shall be no smaller than 2-inch rigid steel galvanized conduit. It shall provide a structurally sound attachment for the service drop and shall be equipped with a properly installed flashing at the roof line. Installation shall ((be in accordance)) comply with ((State)) drawings E-101 and E-102, or shall provide equivalent strength by other approved means.



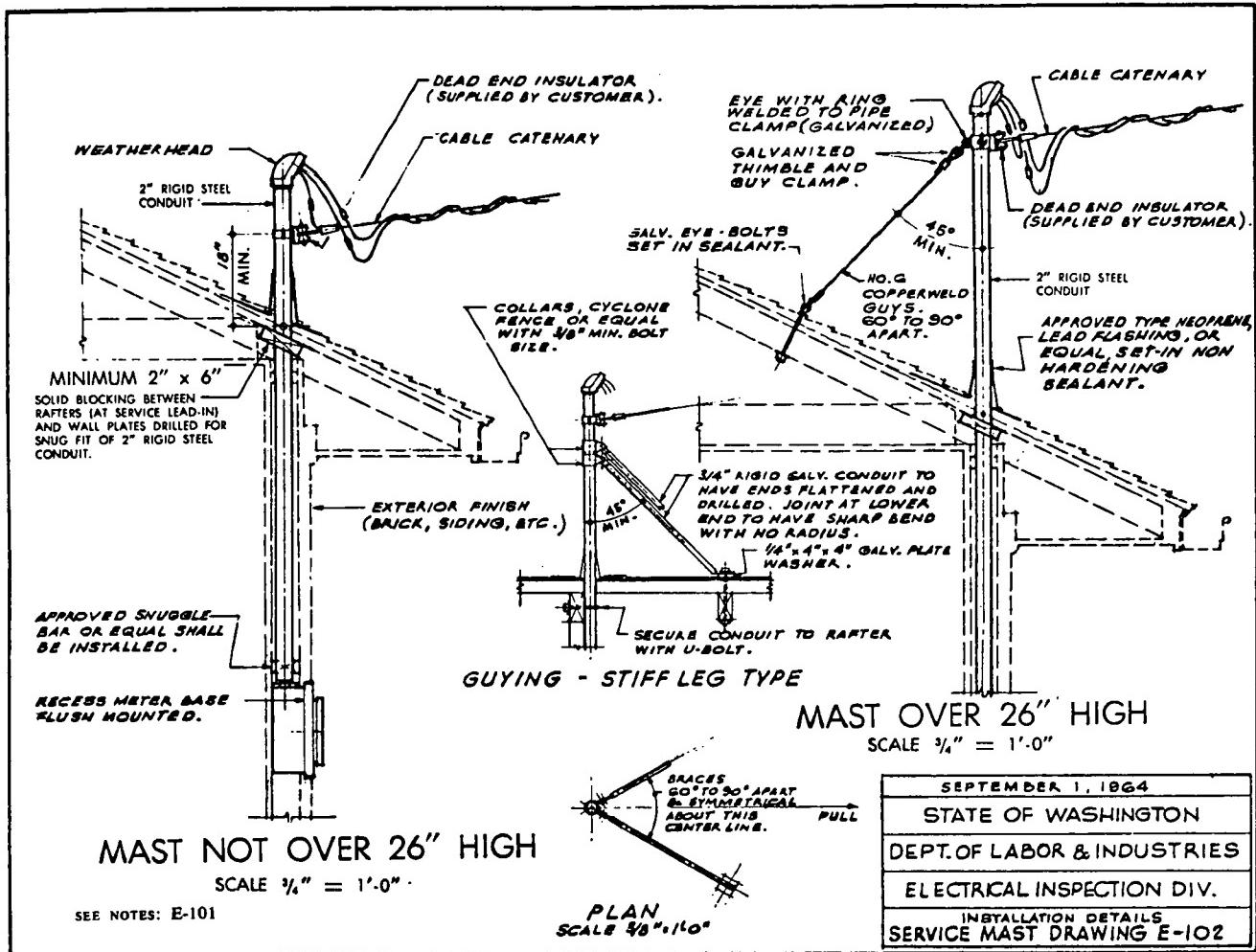
- NOTES—
1. LEAD FLASHING. APPLY PLASTIC NON-HARDENING MASTIC BETWEEN FLASHING AND CONDUIT AND BETWEEN FLASHING AND ROOF. NEOPRENE TYPE FLASHINGS MAY ALSO BE USED.
  2. SERVICE MAST MAY BE INSTALLED INS'DE BUILDING LINES PROVIDED MAST CONDUIT IS BRACED OR U-BOLTED IN SUCH A MANNER THAT NO PRESSURE WILL EVER BE EXERTED ON FLASHING OR METER BASE. UTILIZATION OF COUPLINGS IN SERVICE MAST BY SPECIAL PERMISSION ONLY.
  3. ROOF LINE TO POINT OF ATTACHMENT SHALL BE NOT LESS THAN 18". SERVICE HEAD SHALL BE NOT MORE THAN 8" ABOVE POINT OF ATTACHMENT. WHERE MAST IS OVER 26" HIGH OR SERVICE DROP EXCEEDS 100', GUYS ARE REQUIRED PER DETAIL.

E. F. No. 9842-05-1-66.

MARCH 1, 1969

REVISED DRAWING E-101
STATE OF WASHINGTON
DEPT. OF LABOR & INDUSTRIES
ELECTRICAL INSPECTION DIV.

INSTALLATION DETAILS—  
TYPICAL CONDUIT SERVICE MAST.



**AMENDATORY SECTION** (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

**WAC 296-46-350 EMERGENCY SYSTEMS.** ((See Article 700, National Electrical Code. Emergency systems shall comply with the latest adopted edition of the National Fire Protection Association Bulletin 101, Life Safety Code. In accordance with Section 700-12(d), National Electrical Code, separate emergency service conductors shall be provided and may be tapped on the load side of the electric utility metering equipment provided they are sufficiently separated and effectively fireproofed from the main service disconnecting means.)

**Emergency Systems.** Exit and emergency lights in places of assembly and including corridors must be installed where the seating capacity is 200 or more. The seating capacity will be determined by allowing a basis of 6 square feet per person.) Exit and emergency lights shall be installed in accordance with the National Electrical Code, Article 700, and Life Safety Code NFPA 101 in all health care facilities, educational facilities, hotels, motels, and places of assembly. Installation shall be made in strict accordance with the National Electrical Code, Article 700, and WAC 296-46-150.

**AMENDATORY SECTION** (Amending Order 69-2, filed 2/28/69, effective 4/1/69)

**WAC 296-46-360 CARNIVALS, CIRCUSES, AND TRAVELING SHOWS.** Wiring methods shall comply with Chapter 3 of the National Electrical Code.

(1) Secondary feeders shall be a type approved for the purpose((-)), and shall use type "S" cable or ((equat)) an equivalent.

(2) Each concession ((shall be considered in)) or ride is a single occupancy((- and)). A separate enclosed externally operable fused switch or circuit breaker shall be provided for each concession or ride.

**AMENDATORY SECTION** (Amending Order 75-25, filed 8/4/75)

**WAC 296-46-370 BOAT MOORAGES AND SIMILAR INSTALLATIONS.** ((In addition to complying)) Docks, wharves, boat moorages, and similar facilities in addition to complying with Article 555((();)) of the National Electrical Code((, there shall be)) shall have a disconnect located on the shoreline for all services of 600 volts or less ((for docks, wharves, boat moorages, etc. located at the shoreline, street side of the first point

~~of building construction in compliance with WAC 296-46-200, subsection 2).~~

**AMENDATORY SECTION** (Amending Order 69-2, filed 2/28/69, effective 4/1/69)

WAC 296-46-420 ((~~ALL~~)) ELECTRICAL EQUIPMENT GROUNDING. All electrical equipment grounding ((~~boxes, service and equipment and provisions for grounding receptacles, etc.~~)) for nonmetallic cable systems((;)) shall be completely made up at the time of ((~~rough-in~~)) the inspection.

**AMENDATORY SECTION** (Amending Order 77-31, filed 1/31/78)

WAC 296-46-480 LOCATION OF PAD-MOUNTED TRANSFORMERS. (1) ((~~Definition~~)) A pad-mounted transformer installation is an installation of an oil-filled transformer outdoors ((~~wherein~~)) in which installation of all bushings, handholes, and live and operating parts are guarded by a solid metal enclosure ((~~so~~)) secured ((~~as to be available~~)) so that they are accessible to authorized qualified personnel only. This ((~~will~~)) does not prohibit the use of approved glass monitoring devices or properly baffled ventilators.

(2) ((~~Where~~)) If a pad-mounted transformer is to be installed ((~~adjacent~~)) next to a structure of combustible material, it shall not be installed closer than eight feet ((~~minimum~~)) to the structure. This eight foot separation ((~~should~~)) shall be measured from the nearest metal portion of the pad-mounted transformer installation to the nearest building features required to be safeguarded. ((~~In the case of~~)) If there are overhanging eaves or roof lines of combustible material on a standard single story structure, the eight foot measurement should be made ((~~in such a way as~~)) to provide eight feet of clear space between ((~~said~~)) the eaves and the nearest metal portion of the pad-mounted transformer installed outside a vertical line extended from the ends of the eaves to the ground if this distance is at least eight feet horizontally from ((a)) all combustible walls. In addition, the grade of the ground at the location of the pad-mounted transformer shall be such that any oil leaking from the transformer will flow away from the building and will not form pools. As an exception to subsection (2) of this section, ((~~EXCEPTION:~~)) in an urban residential area((~~s-where~~)) that has an improved alleyway((~~s-are utilized~~)), and ((~~where~~)) in which a pad-mounted transformer is to be installed ((~~adjacent~~)) next to a noninhabited structure of combustible material((~~-it~~)) the transformer shall not be installed closer than two feet ((~~minimum, provided the structure is noninhabited, such as an automobile garage~~)) to the structure.

(3) Pad-mounted transformers ((~~installations~~)) shall not be ((~~made~~)) installed nearer than two feet, measured horizontally, to a noncombustible building surface having no doors, windows, or other openings closer to the transformer than ((~~indicated in paragraph (2)~~)) eight feet.

(4) Pad-mounted transformers ((~~installations~~)) should not be located where they are exposed to damage by automobiles, trucks, or other mobile ((~~type of~~)) machinery.

((~~Where~~)) If transformers are installed in areas subject to traffic other than pedestrian traffic, they shall be provided with additional guarding.

(5) Pad-mounted transformer installations shall ((~~meet the requirements for being~~)) be effectively grounded as provided in Section 250-51((;)) of the National Electrical Code.

**AMENDATORY SECTION** (Amending Order 69-2, filed 2/28/69, effective 4/1/69)

WAC 296-46-490 LOCATION OF TOTAL UNDERGROUND TRANSFORMERS. Enclosures for total underground oil filled transformers shall not be located within eight feet of a doorway or fire escape. Adequate space shall be maintained above the total underground transformer enclosure so that a boom may be used to lift the transformer.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 296-46-120✓ WORKMANSHIP.
- (2) WAC 296-46-170✓ CLEARANCE OF SERVICE DROP FOR SINGLE FAMILY OR DUPLEX RESIDENCES.
- (3) WAC 296-46-190✓ CURRENT TRANSFORMERS.
- (4) WAC 296-46-210✓ SERVICE ENTRANCE CABLE.
- (5) WAC 296-46-230✓ SERVICE ENTRANCE.
- (6) WAC 296-46-242✓ TRANSFORMER NEUTRAL GROUNDING.
- (7) WAC 296-46-244✓ UTILITY CONDUCTOR LIMITATIONS.
- (8) WAC 296-46-270✓ METALLIC PLUMBING LINES.
- (9) WAC 296-46-280✓ GARBAGE DISPOSAL, WASTE DISPOSAL OR WASTE COMPACTOR APPLIANCES AND DISHWASHER CIRCUITS.
- (10) WAC 296-46-290✓ RANGE CIRCUIT.
- (11) WAC 296-46-300✓ WATER HEATERS.
- (12) WAC 296-46-335✓ UNFINISHED AREAS.
- (13) WAC 296-46-355✓ MOBILE HOME CONNECTIONS.
- (14) WAC 296-46-380✓ ROCKCRUSHERS.
- (15) WAC 296-46-390✓ WOODWORKING PLANTS.
- (16) WAC 296-46-424✓ RESIDENTIAL OCCUPANCIES, GROUND FAULT CIRCUIT INTERRUPTERS.
- (17) WAC 296-46-426✓ BONDING AGRICULTURAL STRUCTURES AND EQUIPMENT.
- (18) WAC 296-46-500✓ ELECTRICAL ADVISORY BOARD.
- (19) WAC 296-46-501✓ BOARD OF ELECTRICAL EXAMINERS.
- (20) WAC 296-46-535 APPEARANCE AND PRACTICE BEFORE ADVISORY BOARD.
- (21) WAC 296-46-540 SOLICITATION OF BUSINESS UNETHICAL.

- (22) WAC 296-46-545 STANDARDS OF ETHICAL CONDUCT.
- (23) WAC 296-46-550 APPEARANCE BY FORMER EMPLOYEE.
- (24) WAC 296-46-555 AS EXPERT WITNESS.
- (25) WAC 296-46-560 COMPUTATION OF TIME.
- (26) WAC 296-46-565 ADMINISTRATIVE PROCEDURE ACT.
- (27) WAC 296-46-590 ELECTRIC HEATING.
- (28) WAC 296-46-59005 APPENDIX A—RESIDENTIAL HEAT LOSS TABLES.
- (29) WAC 296-46-59010 APPENDIX B—OUTDOOR DESIGN TEMPERATURES.
- (30) WAC 296-46-900 APPENDIX C—DRAWING E-103.
- (31) WAC 296-46-905 APPENDIX D—DRAWING E-104.

**WSR 84-15-052  
PROPOSED RULES  
COMMUNITY COLLEGE DISTRICT SEVENTEEN**

[Filed July 17, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Community College District 17 intends to adopt, amend, or repeal rules concerning student conduct;

that the institution will at 1:30 p.m., Tuesday, September 11, 1984, in the District Office Board Room, North 2000 Greene Street, Spokane, WA 99207, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before Friday, August 31, 1984.

Dated: July 13, 1984  
By: C. Nelson Grote  
Chief Executive Officer

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 28B.50.140.

Amend chapter 132Q-04 WAC, Rules of student conduct and procedures of enforcement.

The purpose of amending chapter 132Q-04 WAC is to reflect changes in student conduct policies.

Statutory Authority: RCW 28B.50.140.

The Person Responsible for the Drafting, Implementation and Enforcement of this Rule: Dr. C. Nelson Grote, Chief Executive Officer, Washington Community College District 17, North 2000 Greene Street, Spokane, WA 99207.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decisions.

**AMENDATORY SECTION** (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-010 PURPOSE OF ADOPTION OF STUDENT RULES. (1) All colleges administered by the board of trustees for Washington state Community College District ((No.)) 17 are maintained by the state of Washington for the accomplishment of certain special purposes(( )); namely, the provision of programs of instruction in higher education, the advancement of knowledge through scholarship and research, and the provision of related community services. Like any other social institution having its own special purpose, a college must maintain conditions conducive to the effective performance of its functions. Consequently, the college has special expectations regarding the conduct of the various participants in the academic community. Student conduct which distracts from or interferes with accomplishment of college purposes is not acceptable.

(2) Admission to a college within the district carries with it the presumption that ((the)) students will conduct ((himself)) themselves as ((a)) responsible members of the academic community. This includes an expectation that ((the)) students will obey the law, will comply with rules and regulations of the college and its departments, will maintain a high standard of integrity and honesty and will respect the rights, privileges and property of other members of the college community.

(3) It is assumed that ((the)) students ((is)) are, and ((wishes)) wish to be treated as((—an)) adults. As such, ((he)) the students will accept responsibility for ((his)) their own conduct. In order to accomplish educational purposes of the college and also to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions, the following rules regarding the conduct of students are hereby adopted. Sanctions for violations of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper civil authorities. In case of minors, this conduct may be referred to parents or legal guardians.

**AMENDATORY SECTION** (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-020 DEFINITIONS. As used in this chapter, chapter 132Q-04 WAC, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(2) "Board" shall mean the board of trustees of Washington state Community College District 17((, state of Washington)).

(3) "College" shall mean ((Spokane Community College and)) any ((other)) community college which may be created by the board of trustees of Washington state Community College District 17((, state of Washington)).

(4) "College facilities" shall mean and include any or all real property owned, rented, leased, or operated by the board of trustees of Washington state Community College District 17((, state of Washington)), and shall include all buildings and appurtenances affixed thereto or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis except those who are faculty members as defined in subparagraph 8 infra, by any community college administered by the board of trustees for Washington state Community College District 17((, state of Washington)).

(6) "Disciplinary action" shall mean and include the expulsion, suspension or admonition of any student by the appropriate college president or ((the)) college dean of student personnel services for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean Washington state Community College District 17((, state of Washington)).

(8) "Faculty members" shall mean any employee of any community college administered by the board of trustees of Washington state Community College District 17((, state of Washington)), who received a probationary faculty appointment or faculty appointment under the terms of the community college tenure law, ((section 33, chapter 283, Laws of 1969 ex. sess)) RCW 28B.50.850 through 28B.50.869, as now law or hereinafter amended.

(9) "President" unless otherwise designated shall mean the duly appointed president or chief executive officer of any campus of Washington state Community College District 17((, state of Washington)).

(10) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted in chapter 132Q-04 WAC.

(11) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees for Washington state Community College District 17((; state of Washington)).

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-030 JURISDICTION. All rules herein adopted concerning student conduct and discipline shall apply to every student attending a community college within the district whenever said student is engaged in or present ((upon)) at any college-related activity occurring on or off college ((facility)) facilities. It shall also mean for enforcement of the Rules of Conduct to include facilities in which students are engaged in official college training and/or activities including places of training internships, cooperative education, practicums or supervised work experiences.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-050 DRUGS. Any student who shall use, possess, be demonstrably under the influence of, or sell any narcotic drug as defined in RCW ((69.33.230(14))) 69.50.101(o) as now law or hereinafter amended, ((or any dangerous drug as defined in RCW 69.40-060)) or any controlled substance as defined in RCW 69.50.101(d) as now law or hereinafter amended, shall be subject to disciplinary action except when the use or possession of a drug is specifically ((prescribed as medication by an authorized medical doctor or dentist)) authorized by a licensed practitioner as defined by RCW 69.50.101(t)(1), (2), and (3), as now law or hereinafter amended. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW ((69-04-005)) 69.50.410.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-060 CHEATING. (1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have cheated. Cheating shall be cause for disciplinary action.

(2) Any student who aids or abets the accomplishment of cheating as defined in ((subparagraph)) subsection (1) ((above)) of this section, shall also be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-067 CLASSROOM CONDUCT. Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the ((faculty member's)) class, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-070 THEFT AND/OR SALE OF STOLEN PROPERTY. Any student who shall commit larceny of the property of another, as defined in RCW ((9.54.010)) 9A.56.020, or who shall sell, or offer to be sold such property, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-075 DAMAGING PROPERTY. Any student who shall willfully attempt to damage or destroy, or who in fact does willfully damage or destroy, any property owned, controlled or operated by Washington state Community College District ((No.)) 17 or owned, controlled or operated by another person while said property is located on ((campus)) facilities((;)) owned, rented, leased, or operated by Washington state Community College District 17 shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-080 ((ASSAULT)) INTIMIDATION/INTERFERENCE. Any student who shall ((assault)) interfere or intimidate by force or violence another person, in the manner prohibited by law in

RCW ((9.11.010 or 9.11.020, or 9.11.030)) 28B.10.570 and 28B.10-571, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-085 ABUSIVE CONDUCT. Any student who shall use abusive language towards ((a faculty member or college personnel)) any person while on college facilities or participating in college related programs shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-090 FORGERY OR ALTERATION OF RECORDS. Any student who engages in acts of forgery, as defined in RCW ((9.44.010)) 9A.60.020 shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-100 RIGHT OF ASSEMBLY. (1) Students shall have the right of "assembly" as defined in WAC 132Q-04-020(((+))) upon college facilities that are generally available to the public((:)); provided((;)) that such assembly shall:

- (a) Be conducted in an orderly manner; and
- (b) Not unreasonably interfere with vehicular or pedestrian traffic; or
- (c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, or with educational functions of the college; and
- (d) Not unreasonably interfere with college functions.

(2) A student who conducts or participates in an assembly violative of any provision of this rule shall be subject to disciplinary action.

(3) Nonstudents who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college. Faculty members and other college personnel who participate in or aid or abet any assembly or assemblies violative of this section shall be subject to appropriate discipline.

(4) Any student who commits any other act on college facilities which is punishable as a gross misdemeanor or a felony under the laws of the state of Washington and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-110 COMMERCIAL ACTIVITIES. (1) College facilities will not be used for ((a)) commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to((;)) display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college department or the office of student activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this regulation, the term((s)) "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132Q-04-140.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-120 OUTSIDE SPEAKERS. (1) Any recognized campus student organization with the written certification of its advisor, may invite speakers on that campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of ((his)) views or opinions of the speaker by the college, its students, its faculty, its administration or ((the)) its board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student senate or the student activities council of the campus at which the speaker will appear.

(4) The appropriate student senate or student activities council will be notified at least seven days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the director of student activities) must be completed with all particulars

regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the director of student activities. Exceptions to the seven-day ruling may be made by the director of student activities with the approval of the dean of student personnel services.

(5) The appropriate student senate or student activities council may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president((;)) of the college or ((his)) a designated representative, may ((at his discretion)) assign a faculty member to preside over any meeting where a speaker has been invited.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-130 TRESPASS.** (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through the dean of student personnel services or such other person designated by the president, shall have power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) To give notice against trespass by any manner ((specified in section 1(2), chapter 7, Laws of 1969)) provided for by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the president or ((his)) the president's designee pursuant to the requirements of section 1 of this rule, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-140 DISTRIBUTION OF MATERIALS.** (1) Handbills, leaflets, newspapers and similarly related matter distributed free of charge by any student or students or by members of recognized student organizations or by college personnel, may be distributed upon college facilities designated by the director of student activities; provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) Newspapers, leaflets and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(3) All handbills, leaflets, newspapers and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) All students and nonstudents shall be required to register with the director of student activities prior to the distribution or sale of any handbill, leaflet, newspaper or related matter, including, but not limited to, posting materials on college bulletin boards and distributing materials in college parking lots.

(5) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or related materials, shall be subject to disciplinary action.

(6) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of Washington state Community College District ((No.)) 17((, Washington state)).

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-150 RIGHT TO DEMAND IDENTIFICATION.** (1) For the purpose of determining whether probable cause exists for application of any section of the code of student conduct to any conduct by any person on a college facility, any faculty member or other college personnel expressly authorized by the president of the ((district)) college or chief executive officer may demand that any person on college facilities produce evidence of student enrollment at the college, by tender of said person's student identification card to the faculty member or authorized college personnel.

(2) Refusal by a student to produce a student identification card, as required by subsection ((one)) (1) of this section, shall be cause for disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-160 PURPOSE OF DISCIPLINARY ACTIONS.** Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of student conduct herein adopted. The form of disciplinary action imposed upon the nonabiding student will determine whether and under what conditions the violator may continue as a student at the college.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-170 INITIATION OF PROSECUTION.** (1) Faculty members, the dean of student personnel services and the president shall have concurrent authority to invoke sanctions for violations of the rules of student conduct and to ((request)) require the commencement of the disciplinary proceedings provided for in WAC 132Q-04-180((;)) through 132Q-04-270.

(2) Faculty members shall have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the president of the college at any time before the end of the next succeeding quarter in which the student is enrolled.

#### AMENDATORY SECTION (Amending Order 74-1, filed 9/23/74)

**WAC 132Q-04-180 INITIAL DISCIPLINARY PROCEEDINGS.** (1) All disciplinary proceedings will be initiated by the dean of student personnel services or ((his)) a designated representative, who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

(2) Any student accused of violating any provisions of the rules of student conduct will be called for an initial conference with the dean of student personnel services or ((his)) a designated representative, and will be informed of what provision or provisions of the rules of student conduct ((he)) the student is charged with violating, and what appear to be maximum penalties which might result from consideration of the disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the dean of student personnel services or ((his)) a designated representative may take any of the following actions.

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning, reprimand, disciplinary probation or fine) subject to the student's rights of appeal described below;

(d) Refer the matter to the college ((discipline)) disciplinary committee for a recommendation to the president of the college as to appropriate action. The student shall be notified in writing when such a recommendation is made;

(e) Issue an order of dismissal pursuant to the conditions of WAC 132Q-04-260(d).

(4) A student accused of violating any provision of the rules of student conduct shall be given written notification of any disciplinary action taken by the dean of student personnel services or ((his)) a designated representative. In case of an unmarried student under 18 years of age, written notification of the disciplinary action taken by the dean of student personnel services or ((his)) a designated representative shall also be sent to the parents or guardian of the student.

(5) No disciplinary action recommended by the dean of student personnel services or ((his)) a designated representative is final unless the student fails to exercise his right of appeal as provided in WAC 132Q-04-190.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

**WAC 132Q-04-190 APPEALS.** Any disciplinary action taken by the dean of student personnel services or ((his)) a designated representative may be appealed to the college ((discipline)) disciplinary committee; and disciplinary action taken by the college disciplinary

committee may be appealed by the student to the president of the college. All appeals by a student must be made in writing to the ((discipline)) disciplinary committee or the president((as indicated above;)) and presented to the committee or president within seven days after the student has been notified of the action taken by the disciplinary committee or the president.

#### AMENDATORY SECTION (Amending Order 81-03, Resolution No. 19, filed 12/14/81)

WAC 132Q-04-200 COMPOSITION OF COLLEGE ((DISCIPLINE)) DISCIPLINARY COMMITTEE. Each campus of Spokane Community College and after July 1, 1970, each college created by the board of trustees for Washington state Community College District ((No.)) 17 shall have a college disciplinary committee composed of six members, who shall be chosen by no later than October 15 of each academic year. The membership shall be selected as follows:

(1) The recognized faculty organization at each college shall appoint two members and an alternate who are teaching on the appropriate campus or college; such members shall serve a two-year term.

(2) The college president shall appoint two members from the college administration who shall serve at ((his)) the pleasure of the president.

(3) Student membership shall be appointed by the respective student governments on each college campus. Student membership must include a male and female student and two alternates who shall serve for no more than one year.

(4) The chairman of the college disciplinary committee shall be the dean of student personnel services or ((his)) a designated representative((:)); provided, however, that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve as chairman, nor may said person cast a vote on the merits of the issue decided by the disciplinary committee pursuant to WAC 132Q-04-240.

#### AMENDATORY SECTION (Amending Order 74-1, filed 9/23/74)

WAC 132Q-04-210 PROCEDURES FOR HEARING BEFORE THE COLLEGE DISCIPLINARY COMMITTEE. (1) The college ((discipline)) disciplinary committee for each campus, and after July 1, 1970 for each college, will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of student personnel services or ((his)) the dean's designated representative.

(2) The student has a right to a fair and impartial hearing before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

(3) The student shall be given written notice by registered or certified mail of the time and place of ((his)) the hearing before the college disciplinary committee, and be afforded not less than 20 days((4)) notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges ((against him)) including reference to the particular sections of the rules of student conduct involved.

(c) A list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to hear and examine the evidence ((against him)) brought forward and be informed of the identity of its source((He)) and shall be entitled to present evidence in ((his)) the student's own behalf and to cross-examine witnesses testifying against ((him)) the student as to factual matters. The student shall have all authority possessed by the college to obtain information ((he)) provided requests for such information is specifically ((describes)) described, in writing, and ((tenders)) tendered to the dean of student personnel services no later than three days prior to the hearings, or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(5) The student may be represented by counsel of ((his)) choice at the disciplinary hearing. If the student elects to choose a duly licensed

attorney admitted to practice in any state in the United States as ((his)) counsel, ((he)) the student must tender three days((4)) notice thereof to the dean of student personnel services.

(6) In all disciplinary proceedings the college may be represented by a designee appointed by the dean of student personnel services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the dean of student personnel services may elect to have the college represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceeding will be taken. A copy thereof shall be available at the office of the dean of student personnel services.

(8) The chairman of the college disciplinary committee shall preside at the disciplinary hearing and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.

#### AMENDATORY SECTION (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-230 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college disciplinary committee had sufficient cause to believe that the accused student is guilty of violating the rules ((he)) the student is charged with having violated.

(2) In determining whether sufficient cause, as stated in the foregoing subparagraph 1, does exist, members of the disciplinary committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent ((men)) persons in the conduct of their affairs.

(3) The chairman of the college disciplinary committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-240 DECISION BY THE COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the president any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students;

(b) That the college impose minor sanctions directly, such as warning, reprimand or minor fine, subject to the student's right of appeal as hereinafter described ((below:));

(c) That the college impose any of the disciplinary actions as provided in WAC 132Q-04-260((:)); or

(d) Recommend to the president that the student be dismissed from college.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student conduct. The committee shall also advise the student of ((his)) the right(s) to present, within seven calendar days, a written statement to the president of the college appealing the recommendation of the college disciplinary committee.

#### AMENDATORY SECTION (Amending Order 1-69, filed 12/8/69)

WAC 132Q-04-250 FINAL DECISION REGARDING DISCIPLINARY ACTION. (1) The president of the college or any representative ((he may designate)) designated, except the dean of student personnel services shall, after reviewing the record of the case, include in the report of the college disciplinary committee ((in)) any statement filed by the student, ((either his indicated)) approval of the recommendations of the college disciplinary committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed after the review provided by the above section, the president or ((his)) a designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under ((21 years of)) legal age, written notice of any action involving dismissal or disciplinary action shall also be sent to parents or guardian of the student.

**AMENDATORY SECTION** (Amending Order 70-1, filed 9/22/70)

WAC 132Q-04-260 DISCIPLINARY ACTION. The following disciplinary actions are hereby established and shall be the sanctions imposed upon violators of the rules of student conduct:

(a) Disciplinary warning: Notice to a student, either verbally or in writing, that ((he)) the student has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below and on the next page.

(b) Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of student personnel services. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below and on the next page.

(c) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of rules of student conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(d) Dismissal: Termination of student status for violation of the rules of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(e) Fines: The office of student personnel services may assess monetary fines against individual students for violation of the rules of student conduct. Failure to pay such fines promptly will result in the cancellation of the student's registration and will prevent the student from reregistering.

**AMENDATORY SECTION** (Amending Order 74-1, filed 9/23/74)

WAC 132Q-04-280 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all disciplinary cases shall be kept by the office of student personnel services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student personnel services shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office ((of student personnel services)) initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. The office ((of student personnel services)) which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

**WSR 84-15-053**

ADOPTED RULES

**DEPARTMENT OF CORRECTIONS**

[Order 84-09—Filed July 17, 1984—Eff. September 2, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to jail and medical cost reimbursement to cities and counties, adopting chapter 137-75 WAC.

This action is taken pursuant to Notice No. WSR 84-12-067 filed with the code reviser on June 5, 1984. These rules shall take effect at a later date, such date being September 2, 1984.

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090 and to implement chapter 235, Laws of 1984.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 16, 1984.

By Amos E. Reed  
Secretary

**Chapter 137-75 WAC**  
**JAIL AND MEDICAL COST REIMBURSEMENT**  
**TO CITIES AND COUNTIES**

**NEW SECTION**

WAC 137-75-010 PURPOSE. Chapter 70.48 RCW as amended by chapter 235, Laws of 1984, imposes certain financial responsibility on the department of corrections for certain persons imprisoned in a city or county jail. The purpose of these rules is to establish procedures by which the department of corrections will discharge said financial responsibility.

**NEW SECTION**

WAC 137-75-020 DEFINITIONS. As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;

(2) "Department" shall mean the department of corrections;

(3) "Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;

(4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;

(5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;

(6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);

(7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;

(8) All references to the singular shall include the plural, unless otherwise noted.

**NEW SECTION**

WAC 137-75-030 DEPARTMENT FINANCIAL RESPONSIBILITY. (1) The financial responsibility of the department under this chapter shall be limited to reimbursing cities and counties for the costs and at the rates set forth in chapter 235, Laws of 1984 or any amendment thereto hereafter enacted.

(2) The financial responsibility of the department for a person convicted of a felony as defined by RCW 9A-04.040 and committed to the care and custody of the department, but detained in a jail after June 30, 1984, shall begin upon the eighth day, excluding Saturdays, Sundays, and holidays, following the sentencing of such person for the felony and notification to the department by the city or county that such person is available for movement to an institution. Provided, however, if such person is detained in the jail beyond such eight-day period pursuant to an order of a superior court, the financial responsibility of the department shall not begin until the expiration of the period ordered by the court. The notification required hereunder is to be given by telephone or teletype to the supervisor of the reception center at the Washington Corrections Center, Shelton, Washington.

(3) The financial responsibility of the department for a person detained in a jail solely by reason of a parole hold after June 30, 1984, shall begin upon the sixteenth day following the commencement of such detention. Provided, however, the department shall have no such financial responsibility if a felony charge is filed against a person so detained.

(4) The financial responsibility of the department for an inmate, as defined in RCW 72.09.020, who resides in a work release facility and who is detained in a jail after June 30, 1984, shall begin when such detention commences.

#### NEW SECTION

**WAC 137-75-040 EXTRAORDINARY EMERGENCY MEDICAL TREATMENT.** (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall, in the case of parolees and work release inmates, be given to the director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons.

#### NEW SECTION

**WAC 137-75-050 REQUEST FOR REIMBURSEMENT.** (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, who will forward the request to the director. The

director will confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests should be filed within thirty days after the costs for which reimbursement is requested were incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred.

#### NEW SECTION

**WAC 137-75-060 IMPLIED CONSENT TO AUDIT.** By submitting a request for reimbursement under this chapter, the requesting city or county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department.

#### **WSR 84-15-054**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed July 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning proposed amendment to chapter 16-125 WAC and adding a new section; repealing WAC 16-101-710 suspension of grade A permit, 16-125-001 promulgation and 16-125-110 effective date;

that the agency will at 1:30 p.m., Tuesday, August 28, 1984, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 5, 1984.

The authority under which these rules are proposed is chapter 15.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1984.

Dated: July 17, 1984

By: James E. Wommack  
Assistant Director

#### **STATEMENT OF PURPOSE**

Title: Bulk milk tank requirements, suspension of a grade A permit.

Description of Purpose: To establish guidelines for construction and operation of milk tankers. To repeal the suspension of the grade A permit.

Statutory Authority: Chapter 15.36 RCW.

Summary of Rules: The rule establishes guidelines for the construction and operation of milk tankers. The types of materials to be used in the fabrication of tankers and appurtenances are defined, cleaning and sanitizing procedures are outlined and operating practices are

described. WAC 16-101-710 is being repealed to conform with section 1, chapter 226, Laws of 1984.

**Reasons Supporting Proposed Actions:** Present rules do not cover changes that have taken place in the transportation of milk.

**Agency Personnel to Contact:** Richard White, Chief, Dairy Inspection Section, Dairy and Food Division, Department of Agriculture, 406 General Administration Building, Olympia, WA 98504, Mailstop AX-41, Phone: (206) 753-5042.

**These Rules are Proposed by:** Department of Agriculture.

**Agency Comment:** None.

These rules are not necessary as a result of federal law, or federal or state court action.

**Small Business Impact Statement:** None.

#### AMENDATORY SECTION (Amending Order 1283, filed 1/29/73)

**WAC 16-125-010 ((DIRECTOR)) DEFINITIONS.** ((For the purpose of this order)) (1) "Director" ((shall)) means the director of the department of agriculture of the state of Washington, or his duly authorized representative.

(2) "Bulky milk hauler" means the person who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm and is properly licensed by the director.

(3) "Bulk milk hauling" means the transportation of milk from the place where it is produced to a processing plant or between processing plants, performed by vehicles belonging to an individual or corporation operating under permit from the director.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the "Journal of Food Protection."

#### NEW SECTION

**WAC 16-125-120 BULK MILK TANKER REQUIREMENTS.** All bulk milk tankers operating in the state of Washington shall comply with the provisions of 3A standard 05-13. Additional requirements are:

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: PROVIDED, That

(a) External flexible hoses meet the following requirements:  
(i) Hoses are the thick walled rubber type and meet 3A standard 18.00, except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.  
(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of 3A standards 09-07 and 33-00.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air which meets the requirements of 3A standard 604-03 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds forty-five degrees Fahrenheit is discarded.

(e) Adequate facilities shall be provided at all receiving stations for the proper cleaning and sanitization of tankers including the external lines and valves.

(2) All external valves on a tanker shall be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves shall be protected by dust tight covers which will comply with 3A standard 05-13.

(b) Inlet valves and valves with attached hoses shall be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses which is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material which is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other type cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses shall have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer shall be sufficient to allow inspection personnel to identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker shall be accomplished at least once every twenty-four hours by the receiving plant. After sanitization each tanker shall be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag shall not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing his route.

(5) For violations of WAC 16-125-120 a condemnation tag shall be affixed to the tanker outlet valve by the director. Any tanker so tagged may not be used to transport grade A milk until the violation(s) have been corrected and the condemnation tag removed by the director.

(6) In the event of serious or repeated violations of WAC 16-125-120 the contents of the tanker shall be lowered to grade C.

(7) Any grade A plant or receiving station unloading milk from a tanker bearing a condemnation tag or from a tanker that has not been properly cleaned may have that load lowered to grade C. If the load has commingled with other milk, the entire amount may be lowered to grade C.

(8) All grade A milk shall be picked up at least every forty-eight hours.

(9) All farm tanks shall be emptied and washed at least every forty-eight hours.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-125-001 PROMULGATION.  
WAC 16-125-110 EFFECTIVE DATE.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-101-710 SUSPENSION OF GRADE A PERMIT.

#### **WSR 84-15-055 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed July 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning adding a new section to chapter 296-17 WAC regarding professional and semiprofessional sports teams. This rule filing provides a listing of requirements for entering into a written agreement, pursuant to RCW 51.12.120(5), whereby an athlete and his/her employer may agree to which jurisdiction will provide industrial insurance coverage. This rule filing also provides that professional sports teams which are domiciled outside the state of Washington and which do not conduct any business within this state are not subject to Title 51 RCW while participating in a sporting event in the state of Washington;

that the agency will at 10:00 a.m., Wednesday, September 5, 1984, in the Director's Conference Room, General Administration Building, 3rd Floor, Olympia,

Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 12, 1984.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.12.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5 p.m., September 11, 1984.

Dated: July 18, 1984  
By: Sam Kinville  
Director

#### STATEMENT OF PURPOSE

**Title and Number of Rule(s) or Chapter:** The proposal for a new rule which follows amends chapter 296-17, which is the Administrative Code comprising the "Manual of rules, classifications, rates, and rating system for Washington state workers' compensation insurance." The proposal provides for rules and requirements for professional and semiprofessional sports teams.

**Statutory Authority:** RCW 51.04.020(1).

**Implementation of Specific Statute:** RCW 51.12.120.

**Description of the Proposed Rule(s):** This rule filing provides a listing of requirements for entering into a written agreement, pursuant to RCW 51.12.120(5), whereby an athlete and his/her employer may agree to which jurisdiction will provide industrial insurance coverage. This rule filing also provides that professional sports teams which are domiciled outside the state of Washington and which do not conduct any business within this state are not subject to Title 51 RCW, while participating in a sporting event in the state of Washington.

**Reasons Supporting the Proposed Rule(s):** The proposed new WAC rule will provide a basis for determining the proper jurisdiction for professional and semiprofessional athletes with respect to industrial insurance coverage.

**The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule(s):** Richard Slunaker, Assistant Director for Industrial Insurance, 753-6308; Marjorie Shavik, Employer Services Chief, 753-7016; and Gary Brown, Rating and Data Analysis Supervisor, 753-6463, General Administration Building, Olympia, Washington 98504, AX-31.

**Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule(s):** These rules are proposed by the Department of Labor and Industries.

**Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule(s):** None.

These rules are not proposed to comply with a federal law or a federal or state court decision.

**Any Other Information that may be of Assistance in Identifying the Rule or its Purpose:** None.

**Small Business Economic Impact Statement:** The Department of Labor and Industries, Division of Industrial Insurance is proposing to add a new section to chapter 296-17 WAC, Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance. The proposed rule will only affect professional/semiprofessional sports teams and will have no direct economic impact on other employers. Proposed new section WAC 296-17-345 Professional and semiprofessional sports teams. This rule filing provides a listing of requirements for entering into a written agreement, pursuant to RCW 51.12.120(5), whereby an athlete and his/her employer may agree to which jurisdiction will provide industrial insurance coverage. This rule filing also provides that professional sports teams which are domiciled outside the state of Washington and which do not conduct any business within this state are not subject to Title 51 RCW while participating in a sporting event in the state of Washington.

#### NEW SECTION

**WAC 296-17-345 PROFESSIONAL AND SEMIPROFESSIONAL ATHLETIC TEAMS** Athletes assigned to a Washington domiciled sports team are mandatorily covered by Washington Industrial Insurance: *Provided* that a professional athlete who is under contract with a parent team domiciled outside of the State of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington Industrial Insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(5).

The following rules shall apply to the written agreement:

1. Agreement must be in writing and signed by the employer and the individual athlete.

2. Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

3. The state agreed upon accepts responsibility for providing coverage and acknowledges such to the Department by certified mail.

4. Agreement and certification by the other state must be received by this Department's Underwriting Section prior to any injury incurred by the athlete.

5. Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the State of Washington and who participate in sporting events with Washington domiciled teams are not subject to Washington Industrial Insurance for their team members while in this state. These out-of-state teams are not considered employers subject to Title 51 on the basis that they are not conducting a business within this state.

**WSR 84-15-056**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
**(Library Commission)**  
**(Library Network Computer Service Council)**  
[Memorandum—July 17, 1984]

The September meetings of the above are as follows: Washington State Library Commission, September 13, 1984, Spokane Public Library, Spokane; and Washington Library Network Computer Service Council, September 12, 1984, Spokane area.

**WSR 84-15-057**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 2123—Filed July 18, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to support enforcement, amending chapter 388-14 WAC.

This action is taken pursuant to Notice No. WSR 84-12-051 filed with the code reviser on June 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 18, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1605, filed 2/11/81)

**WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE.**  
(1) Any resident of the state of Washington who is a physical and legal custodian or guardian of a person who is a resident of the state of Washington and who is not a recipient of public assistance for whom a support obligation is owed and who is not receiving adequate support (as defined by WAC 388-14-100) from persons owing a duty to pay support may apply for nonassistance support enforcement services to establish or enforce or collect an obligation for support including accrued arrears: PROVIDED, That the office of support enforcement may also act to establish paternity where it is a necessary part of establishing support obligations for nonassistance clients. When the person(s) owing the duty to pay support is deceased or is eligible for or receiving social security benefits, public assistance moneys, supplemental security

income, or is participating in any other governmental, private charity or other rehabilitation program providing benefits at less than the standards in WAC 388-29-100, the application cannot be accepted.

(2) Any person who has been provided support enforcement services as a result of an approved application for public assistance may also apply for nonassistance support enforcement services effective with the date of termination of public assistance. An application made prior to termination shall not be effective until the first of the month following termination from assistance. Support enforcement services may be continued by the office of support enforcement for a period of time not to exceed four months following last month in which public assistance was paid as a continuation of actions maintained as a result of an assignment pursuant to WAC 388-24-108 and 388-14-200. During such four month period, all support moneys collected except those collected to satisfy arrears assigned to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. ((~~RCW 74.20.320~~ ~~RCW 74.20.330~~)) **RCW 74-20.330**, 42 U.S.C. 602 (a)(26)(A), **RCW 74.20A.250** and/or **74.20A.030** shall be remitted to the children's custodian ((without deduction of fees for nonassistance services)).

**AMENDATORY SECTION** (Amending Order 1465, filed 12/14/79)

**WAC 388-14-320 NONASSISTANCE SUPPORT ENFORCEMENT—DISTRIBUTION.** (1) Current support payments received on behalf of the applicant/custodian in the four-month period following the last month in which public assistance was paid shall be forwarded ((without deduction of fees)) to the applicant/custodian.

(2) Support payments received on behalf of the applicant/custodian are forwarded as received ((after the deduction of fees for services with a statement of the amount of support received and the amount of fees deducted)).

(3) Nothing herein shall be construed to obligate the office of support enforcement to remit to the applicant/custodian moneys paid in satisfaction of a debt owed to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. **RCW 74.20.320** **74.20.330**, 42 USC 602 (a)(26)(A), **RCW 74.20A.250**, or **74.20A.030** except as provided for in WAC 388-14-270(5). The total amount of any obligation that has accrued under the assignment made pursuant to WAC 388-24-108 and 388-14-200 prior to termination of assistance is collectible by the office of support enforcement subsequent to termination of assistance to reimburse the department for public assistance paid prior to termination.

**AMENDATORY SECTION** (Amending Order 1465, filed 12/14/79)

**WAC 388-14-325 NONASSISTANCE SUPPORT ENFORCEMENT—TERMINATION OF SERVICES.** (1) Support enforcement services may be terminated by the applicant/custodian:

(a) An applicant/custodian may terminate support enforcement service(s) by written notice to the office of support enforcement. The office of support enforcement's rights and responsibilities toward the applicant/custodian shall continue in effect until written notification is received.

(b) Upon receipt of the applicant/custodian's request for termination of support enforcement services, the office of support enforcement will discontinue such service. Any support moneys received which are owing to the applicant/custodian after the receipt of notice shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or forwarding agent as appropriate.

((c) If an applicant/custodian has requested termination of support enforcement service(s) while a fee balance is still owing, the office of support enforcement may require payment of this balance as a condition precedent to the acceptance of any subsequent application for support enforcement service(s) by that applicant/custodian. However, this required payment is limited to a maximum of ten percent of any support money collected by the applicant/custodian during the period of time preceding the reapplication as the result of action taken by the office of support enforcement preceding termination of services:))

(2) Support enforcement services may be terminated or reapplications may be denied by the office of support enforcement:

(a) In cases where further action to enforce payment of a support obligation is deemed inappropriate or inadvisable by the office of support enforcement.

(b) In the event an applicant/custodian fails or refuses to provide supplementary information or fails or refuses to forward to the office of support enforcement support payments made direct, or fails or refuses to take necessary cooperative action as specifically requested by the office of support enforcement or who employs and/or fails or refuses to discharge a private attorney, collection agency or other agency engaged in collection of the support debt assigned for collection to the department.

((c) In the event nonassistance support enforcement fees are raised and an applicant/custodian fails or refuses to complete a new request for nonassistance support enforcement services and limited power of attorney authorizing deduction of the increased fees:))

(3) When the office of support enforcement terminates services, the applicant/custodian must be notified in writing that the office of support enforcement will no longer provide support enforcement services. Notification may be by regular mail addressed to the applicant/custodian's last known address and must include the reason for discontinuation of services.

(4) Any support moneys received after a notice of decision by the office of support enforcement to discontinue support enforcement services has been mailed shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or other forwarding agent, court, as appropriate.

#### REPEALER (Amending Order 1465, filed 12/14/79)

The following section of the Washington Administrative Code is repealed:

#### WAC 388-14-315 NONASSISTANCE SUPPORT ENFORCEMENT—FEES—LIMITATIONS.

#### WSR 84-15-058

#### ADOPTED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Institutions)

[Order 2124—Filed July 18, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to developmental disabilities services and home aid resources, amending chapter 275-27 WAC.

This action is taken pursuant to Notice No. WSR 84-12-036 filed with the code reviser on May 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.20.070 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 71.20 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 18, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

#### AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

WAC 275-27-020 DEFINITIONS. (1) "Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested before age eighteen and exhibiting an intelligence quotient at or below sixty-seven using Stanford-Binet, or at or below sixty-nine using Wechsler((, or a social quotient of sixty-nine or below using Vineland Social Maturity Scale)): PROVIDED, That((;)) other appropriate analogous ((scale(s))) scale or scales used receives the prior approval of the secretary.

(2) "Department" means the department of social and health services of the state of Washington.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "((Bureau)) Division" means the ((bureau or)) division of developmental disabilities of the department of social and health services.

(5) "Director" means the director of the ((bureau)) division of developmental disabilities.

(6) "Respite care" means temporary services provided to a developmentally disabled individual and/or ((his)) the individual's family on either an emergency or planned basis without which the individual may need ((residential placement)) a more dependent program.

(7) "Individual" means the person for whom ((bureau)) division services are requested.

(8) "Informed consent" means an agreement obtained from an individual or his or her authorized representative, for such individual's participation in an activity. The following information is necessary to informed consent:

(a) An explanation of the procedures to be followed including an identification of those which are experimental;

(b) A description of the attendant discomforts and risks;

(c) A description of the benefits to be expected;

(d) A disclosure of appropriate alternative procedures;

(e) An offer to answer any inquiries concerning the procedures; and

(f) Instruction that consent may be withdrawn and participation discontinued at any time.

(9) "Residential ((facilities)) programs" means those ((facilities)) programs providing domiciliary care and other services, including, but not limited to, state residential facilities, group homes, skilled nursing facilities, intermediate care facilities, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(10) "Nonresidential ((facilities)) programs" means ((facilities)) programs including, but not limited to, ((developmental centers and sheltered workshops)) county-funded habilitation services.

(11) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

(12) "Best interest" includes, but is not limited to, individual client program elements designed to:

(a) Achieve or maintain economic self-support;

(b) Achieve or maintain self-sufficiency;

(c) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;

(d) Preserve, rehabilitate, or reunite families; and

(e) Prevent or reduce inappropriate institutional care by providing the least restrictive setting, such as community-based services, home-based services, or other forms of less-intensive service, to meet the individual's medical and personal needs.

(13) "More dependent program" means a program providing less opportunity for numbers and variety of community contacts for the individual or requiring more hours of staff supervision/training/support for the individual.

#### AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

#### WAC 275-27-030 DETERMINATION OF ELIGIBILITY. (1) An individual shall be eligible for services upon application pursuant to WAC 275-27-040,

provided ((that)) the ((bureau)) division has determined ((that)) the individual ((has a mental or physical deficiency as defined in RCW 72.33.020 and/or)) is developmentally disabled ((as defined in RCW 71.20.015)). Eligibility criteria to determine ((such deficiency and/or)) developmental disability shall be:

(a) Mental retardation, cerebral palsy, epilepsy, autism; or

(b) ((Cerebral palsy, epilepsy, autism,)) Auditory impairment, ((or)) visual impairment, or a condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, and

(c) Having the following additional characteristics:

(i) Originates before such person reaches age ((+8)) eighteen; and

(ii) Has continued or can be expected to continue indefinitely; and

(iii) Constitutes a substantial handicap to ((such)) the individual's ability to function normally in society.

(2) The director or designee may authorize exception to criteria specified ((above)) in subsection (1) of this section, upon determination ((that)) there are no other services available and ((that)) enforcement of such criteria will be extremely detrimental to the health and welfare of the individual.

(3) Prior to determining whether an individual is eligible for ((bureau)) division services, the ((bureau)) division may require a supporting affidavit of a physician and/or clinical or certified psychologist certifying ((that)) the individual ((has a mental and/or physical deficiency, or)) is developmentally disabled.

(4) If the applicant wishes the ((bureau)) division to consider documents not on file with the department, then the applicant must sign departmental consent forms authorizing the ((bureau)) division to acquire such documents.

(5) Within five working days of the receipt of the completed application and supporting documents, the ((bureau)) division shall determine whether the individual is eligible for ((bureau)) division services.

#### AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

**WAC 275-27-040 APPLICATION FOR SERVICES.** (1) All applications for ((bureau)) division services shall be filed with one of the ((bureau case)) division field services offices in the form and manner required by the director.

(2) An application may be made by an individual, or advocate for, or ((parent(s))) parent or parents or guardian of such an individual.

((3) All applications shall include written informed consent to bureau services requested by the individual, parent of an individual under age eighteen, or court authorized guardian. If an individual, who is over eighteen years of age and has no guardian, is unable to give informed consent, then consent may be received from next-of-kin.))

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

**WAC 275-27-050 DETERMINATION FOR NECESSARY SERVICES.** (1) Within ((thirty)) sixty days from the date of the ((bureau's)) division's decision that an individual is developmentally disabled, the appropriate ((bureau)) division field services office shall evaluate the individual's needs to determine which services, if any, are necessary to ((stabilize or ameliorate the disabling condition and are in)) serve the client's best interest.

(2) Upon completion of the evaluation, an individual ((program)) service plan with determination of necessary services shall be prepared pursuant to WAC 275-27-060 or other department forms as appropriate.

(3) Determination of necessary services shall not be regarded as a guarantee of delivery. Delivery of services shall be based on availability of services and/or funding.

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

**WAC 275-27-060 INDIVIDUAL ((PROGRAM)) SERVICE PLAN.** (1) The ((bureau)) division shall develop a written individual ((program)) service plan for each person ((who is)) determined eligible for ((bureau)) division services within ((30)) sixty days. Interim services may be provided if deemed necessary.

(2) The individual ((program)) service plan shall ((include the services)) be based on an assessment of the individual's needs and will specify the services adjudged to be in the best interests of the client and ((shall include short and long term training and)) meet the individual's habilitation ((goals for the client's progress. To the extent possible, all services shall be goal oriented and time limited)) needs. The individual service plan and authorization of services shall be in the form and manner specified by the director.

(3) ((The program plan shall be reviewed at least annually by the bureau client program coordinator with those directly involved with the client.

(4)) A client, his ((parent(s))) or her parent or parents, or guardian may request review or modification of the ((program)) service plan at any time based on changed circumstances.

((5)) (4) Development, review, and significant modifications of the individual ((program)) service plan shall include, to the maximum extent possible, appropriate ((bureau)) division staff, the client, his ((parent(s))) or her parent or parents or guardian, and personal ((representative(s))) representative or representatives of the agency or facility which is, or will be, primarily responsible for the implementation of specific provisions of the plan.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

**WAC 275-27-210 HOME AID RESOURCES.** (1) The ((secretary)) division shall make payments for the provision of home aid resources as set forth in this section ((provided that no local, private, federal, or other state resource is available for the individual's needs)).

(2) Home aid resources shall be provided to eligible individuals and/or their families as follows:

(a) Planned or emergency respite care as defined in WAC 275-27-020(6);

(b) Transportation services where such transportation cannot be provided by the individual, the parent of an individual under age ((+8)) eighteen, or guardian;

(c) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations; ((and))

(d) Specialized therapies; and

(e) Attendant care.

(3) Transportation, equipment ((and)), therapies, and attendant care as set forth in WAC 275-27-210 (2)((;))((b), (c), ((and)) (d), and (e) shall be provided only upon receipt of information documenting ((that)) such ((service(s))) service or services will substantially reduce the need for ((residential placement)) a more dependent program and with approval of the director.

(4) Home aid resources shall be:

(a) ((Specified in the client's program plan)) Based on need;

(b) Specifically goal-oriented and time-limited;

(c) Agreed to by the client receiving services and/or the ((parent(s))) parent or parents or guardian entitled to custody, and the services provider.

(d) Extension of any service beyond the specified time limits ((specified in the program plan)) or established fee schedules shall be authorized by the director or designee of the ((bureau)) division.

(5) The division may require other local, private, federal, or other state resources be sought prior to making payments for home aid resources.

AMENDATORY SECTION (Amending Order 1771, filed 3/1/82)

**WAC 275-27-230 ((PLACEMENT)) AUTHORIZATION OF SERVICES.** (1) ((Unless an individual is placed pursuant to court order,)) The ((bureau's case)) division's field services section shall be responsible for ((placement)) authorizing services ((for)) received by all eligible ((bureau)) division clients ((into and out of state schools, into and out of)) from residential habilitation centers, other residential facilities, including, but not limited to, community IMR's, group homes, tenant support, and ((into and out of)) nonresidential programs.

(2) ((The placement)) Determination of services to be authorized shall include, to the maximum extent feasible, the client, his or her ((parent(s))) parent or parents or guardian, and all other responsible parties.

(3) The emergency admission of any individual to a ((state school)) residential habilitation center shall not exceed thirty days.

(4) A temporary admission of any individual to a ((state school)) residential habilitation center for respite care or diagnostic services shall not exceed thirty days.

(5) Placement by the ((bureau)) division in a county-funded service is limited as follows:

(a) The service must be included in a state-approved county plan;

(b) Placement and funding is limited to those cases where the local school district is not responsible for provision of county-funded services: PROVIDED, That:

(i) The ((bureau)) division shall aid the client in obtaining required services from the local school district;

(ii) Exceptions may be granted by the ((bureau)) division for county-funded services during nonschool months.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-240 FINANCIAL SERVICES. The ((bureau's case)) division's field services may include services to protect the financial interests of developmentally disabled individuals.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-250 GUARDIANSHIP SERVICES. ((Whenever there is a bona fide doubt as to whether an adult person eligible to receive services pursuant to these rules and regulations is capable of giving informed consent for such services, the bureau's case services shall include assuring that a determination is made whether such person does or does not require a guardian; and)) If ((such person)) it appears an eligible individual requires a guardian, the division's field services may assure initiation of and/or assist in guardianship proceedings.

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

WAC 275-27-300 COMPLETION OF INDIVIDUAL PROGRAM PLAN—RESIDENTIAL ((SCHOOLS)) HABILITATION CENTERS. (1) Upon admission from ((bureau's case)) the division's field services section, the state residential ((school)) habilitation center shall take actions necessary to review and complete the individual ((program)) service plan. (WAC 275-27-060.) Residents of a common school age shall be placed in an educational program and other programs as deemed appropriate.

(2) The completed individual program plan for residential ((schools)) habilitation centers shall include assessment, training and habilitation goals, and long- and short-term objectives.

(3) Assessment shall include the following:

- (a) Scholastic assessment;
- (b) Physical assessment; and
- (c) Adjustment assessment.

(4) Upon completion of assessment, the residential ((school)) habilitation center shall determine training and habilitation goals for the resident.

(a) Training and habilitation goals shall be directed to maximizing the resident's potential, stabilizing, or ameliorating the resident's disabling condition, and in the resident's best interests.

(b) Training and habilitation goals shall include consideration of future community placement and an estimate as to when such placement is possible.

(c) Training and habilitation goals shall specify in measurable terms the behavioral changes desired, expected results, and necessary resources.

(5) For those residents of common school age as determined by chapter 392-173 WAC completion of the individual ((program)) service plan shall meet requirements of chapter 392-173 WAC.

(6) The requirements of this section shall be completed within ((30)) thirty days of admission. Upon completion of the requirements of this section, the parent, legal guardian, or committing court shall be notified of decisions made pursuant to ((this 500)) WAC 275-27-500.

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

WAC 275-27-400 REASONABLE NOTICE AND CONSULTATION. (1) A notification of department decision with respect to eligibility, development, or modification of the individual ((program)) service plan, proposed services, termination of ((bureau)) division services, placements, and admission or readmission to, or discharge from ((state schools)) residential habilitation centers, shall be delivered to the client and the ((parent(s))) parent or parents, guardian, or advocate of such individual by ((certified)) mail or in person. Termination of the ((bureau)) division services shall not be implemented for a period of thirty days after notification of the department's decision to terminate services. Other decisions of the department may be acted upon by the department even though the thirty-day period in which to appeal pursuant to WAC 275-27-500(1) has not expired provided ((that)) the client, or parent of a client under age eighteen, or guardian authorized to determine residential placements for the client may at any time, withdraw consent to any ((bureau)) division service.

(2) The notice shall set forth a statement of the reasons for the decision, and information pertaining to such ((person(s))) person's or persons' right to appeal pursuant to WAC 275-27-500.

(3) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible ((case)) field services regional office in person((;)) and/or by telephone.

(4) The ((bureau)) division shall ((notify)) ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

WSR 84-15-059  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 2125—Filed July 18, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to information and referral services, amending WAC 388-15-110.

This action is taken pursuant to Notice No. WSR 84-12-037 filed with the code reviser on May 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 18, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1811, filed 5/19/82)

**WAC 388-15-110 ((RESOURCE ACCESS)) INFORMATION AND REFERRAL SERVICES.** (1) ((Resource access)) Information and referral services are available to all persons requesting services from community services offices by phone, correspondence or in person. These individuals are provided with information and referral, as needed, to available services within the department or the community.

(2) The service responds to service requests by determining the type of service needed (desired) and linking the individual to the appropriate service.

(3) Provision of minimal health support and family planning information is the responsibility of all social service staff. Minimal service means providing names and locations of providers and general program description and other additional information as required.

(4) ((Resource access)) Information and referral services may be offered to accomplish any of the five goals described in WAC 388-15-010.

**WSR 84-15-060**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 2126—Filed July 18, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alternative sources for medical care, amending WAC 388-83-010.

This action is taken pursuant to Notice No. WSR 84-12-054 filed with the code reviser on June 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 18, 1984.

By David A. Hogan, Director  
Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 1646, filed 4/27/81)

**WAC 388-83-010 ALTERNATIVE SOURCES FOR MEDICAL CARE.** (1) All third party resources for medical care available to the applicant or recipient must be utilized to the fullest possible extent in the payment for the medical care prior to participation by the department.

(2) ((Any payment, additional payment or contribution by or on behalf of an applicant recipient, meant to increase the overall level of care beyond that included in the amount, duration or scope of medical care shall be considered as a nonexempt resource and will be applied against the cost of medical care provided under the program:))

((3))) The department makes agreements with providers of prepaid medical plans. Eligible recipients who choose to participate in a prepaid program are required to utilize such providers of service exclusively except for certain noncovered services for which the department may be responsible under the medical care program. See WAC 388-87-010(4).

(3) Supplementation of medical services shall meet the following limitations:

(a) Supplemental services:

(i) Shall be services beyond those covered by the medical assistance programs;

(ii) Shall not be required, implied or otherwise, by the provider in order for the recipient to receive services covered by the medical assistance program.

(b) Funds for payment of the supplemental services from a source other than the recipient are not considered as income available to the recipient for eligibility purposes if:

(i) The funds are paid directly to the provider; and

(ii) The funds do not at any time come under the control of the recipient.

**WSR 84-15-061**  
**ADOPTED RULES**  
**LIQUOR CONTROL BOARD**  
[Order 147, Resolution No. 156—Filed July 18, 1984]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington 98504, that it does adopt the annexed rules relating to liquor purchases by Class H licensees, WAC 314-16-110.

This action is taken pursuant to Notice No. WSR 84-12-075 filed with the code reviser on June 6, 1984.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 18, 1984.

By Robert D. Hannah  
Chairman

**AMENDATORY SECTION** (Amending Order 136, Resolution No. 145, filed 1/4/84)

**WAC 314-16-110 LIQUOR PURCHASES BY CLASS H LICENSEES.** (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board, together with all taxes, to any Class H licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee or through such other means of insuring identification of the authorized purchaser as are approved by the board: PROVIDED, HOWEVER, That prior to license delivery, a new licensee or transferee may, with board authorization, be sold Class H discount liquor for the purpose of stocking the premises. The employee shall at the time of selling any spirituous liquor to a Class H licensee make a record of the liquor so sold, together with the name of the Class H licensee making the purchase.

(2) Every Class H licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter 314-70 WAC or to return it to a state liquor store or agency, nor shall he dispose or allow to be disposed the liquor contained therein in any manner except as authorized by his license: PROVIDED, HOWEVER, That a delivery service business may pick up more than one Class H liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other Class H licensees whose order is also on the particular delivery vehicle. The possession of any bottle or other container purchased from the board at a discount by any person other than the Class H licensee or said licensee's agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be *prima facie* evidence that the Class H licensee unlawfully permitted the removal thereof from his licensed premises: PROVIDED, That a Class H licensee who permanently discontinues business,

other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the Class H discount and tax exemption in effect at that time.

(3) No Class H licensee shall keep in or on the licensed premises any spirituous liquor which was not purchased from the board at a discount: PROVIDED, That spirituous liquor not purchased at a discount from the board may be kept in or on the Class H licensed premises under authority of a banquet permit issued pursuant to RCW 66.20.010(3) and chapter 314-18 WAC, but only during the specific date and time for which the banquet permit was issued: PROVIDED, FURTHER, That notwithstanding any other provision of Title 314 WAC, a Class H licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a Class H licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount except as provided in subsection (2) of this section.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every Class H licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted.

**WSR 84-15-062**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 84-16]

**SUPERSEDING EXECUTIVE ORDER 84-04 AS  
AMENDED BY EXECUTIVE ORDER 84-08  
APPOINTING THE WASHINGTON STATE  
ADVISORY COUNCIL ON INTERNATIONAL  
TRADE DEVELOPMENT**

Substitute Senate Bill No. 4494, having been enacted into law, Chapter 151, Laws of 1984, and establishing the Washington State Advisory Council on International Trade Development but failing to provide for the number or membership of the Council; Article 3, Section 13, of the Constitution of the state of Washington, empowering the Governor to fill such vacancies in appointive office for the filling of which vacancies no provision is made elsewhere in the constitution;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby order:

- A. The following individuals are hereby appointed as the initial members of the Washington State Advisory Council on International Trade Development:

Stan Barer	Dr. John Ishii
M. Brigid Browne	Dr. Nancy L. Jacob
Wen Chen	Hank Jensen
King F. Cole	Philip Lelli
Joanne E. Crosthwaite	Nancy McGregor
William E. Franklin	Tomio Moriguchi
Gayle Gering	Dr. Yih-ho (Michael) Pao
Henry E. Soike	Chris Schlect
Robert Spence	Gary Severson
Melvin M. Stewart	Dean D. Thornton
Robert Warren	Dr. George E. Taylor
M. Keith Ellis	

Additional members may be appointed as needed.

- B. The powers, duties, and purposes of the Council shall be as set forth in Substitute Senate Bill No. 4494, Chapter 151, Laws of 1984.
- C. This order shall expire on June 30, 1985, at which time the Council will terminate its activities unless otherwise authorized by law or further Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11th day of July, A.D., nineteen hundred and eighty-four.

John Spellman

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Governor of Washington

BY THE GOVERNOR:

Guy N. Dorland

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Acting Deputy Secretary of State

**WSR 84-15-063  
EXECUTIVE ORDER  
OFFICE OF THE GOVERNOR  
[EO 84-17]**

**ESTABLISHING THE WASHINGTON STATE  
ECONOMIC DEVELOPMENT BOARD**

While the state of Washington is among the leading states in the creation of new jobs, there remain substantial additional opportunities to improve the economic well being of the citizens of the state.

The state of Washington is undertaking an expanded role in the attraction and location of new businesses; in the retention and expansion of domestic and foreign business; in helping with the marketing of Washington products and services to foreign countries; in assisting

job development and job training; in attracting additional visitors to the state; and, in assisting and providing adequate infrastructure support for these activities.

Notwithstanding the state's expanded role, the private sector of the state's economy is where the most meaningful and desirable future growth in employment and business opportunities will occur. The private sector of Washington State's economy is intensely engaged in economic development activities at the state and local levels.

In order for state and private sector efforts to be successful in economic development, there must be close coordination and cooperation between public and private organizations engaged in economic development throughout the state. Moreover, there clearly are aspects of economic development that can only be performed exclusively by the private or public sector.

Further, there is a need for development of long-term economic development strategies for the state of Washington. There is a need for strategic analysis of detailed economic and business data with regard to key areas of the Washington economy, including adequate market analysis and analysis of Washington's comparative economic advantages and disadvantages. Because, efforts by other states with respect to the issue of strategic economic analysis have produced mixed results, any effort at strategic analysis in the state of Washington should be developed in the context of Washington's unique social, political, economic, and geographic character.

There is also a need for a continuing evaluation of the structure and effectiveness of the state's Department of Commerce and Economic Development, as well as other economic development agencies and how they relate to each other.

To provide for and evaluate the need for closer coordination and cooperation between the public and private sectors, to analyze the need and means for strategic economic research, planning, and analysis within the state of Washington, and to conduct the necessary ongoing and continuing review of the state's efforts in economic development, there should be created a board to advise the Governor and the state on a continuing basis, as well as to undertake other specific tasks identified as necessary by the board.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby direct the following:

- A. An advisory board known as the Washington State Economic Development Board shall be established.
- B. The board should be composed primarily of citizens from the private sector who are actively engaged in organizations and businesses which support economic expansion and job creation. The Governor shall appoint representatives of various geographic

- regions; of small, medium, and large businesses; of organized labor; and of economic development professionals. The directors of the Department of Commerce and Economic Development and of the Office of Fiscal Management shall serve on the board. The governor shall serve as one co-chairperson and shall designate a co-chairperson of the board from among the citizen members of the board.
- C. The board shall meet regularly and shall create subcommittees as needed to deal with specific issues and concerns.
  - D. The board shall review, analyze, and report, as it desires, on the various economic development policy recommendations made by other agencies or other organizations.
  - E. The majority and minority leaders of the Senate and of the House of Representatives of the state of Washington shall be invited to nominate legislators to sit on the board as ex-officio, non-voting members.
  - F. The board shall review the proposed biennial budget of the Department of Commerce and Economic Development and advise the Governor and the legislature with regard to the same.
  - G. The board shall recommend to the Department, the Governor, and the legislature those strategies, policies, and programs it deems to be in the best interest of the state to pursue.
  - H. The board shall make specific recommendations for the establishment of public-private cooperative efforts in economic development partnerships between the state and the private sector, including but not limited to the need for establishing formal working relationships, whether by contract or otherwise, for purposes of engaging in joint, cooperative economic development activities.
  - I. The board shall analyze the need for and the best means of obtaining strategic economic research, planning, and analysis for the state of Washington for the purposes of developing long-term plans for economic development in the state.
  - J. The board shall review and report to the Department and to the Governor with regard to the organizational structure, professional staffing, and overall program effectiveness of the Department of Commerce and Economic Development, and shall make recommendations with regard to such changes as it perceives necessary and appropriate.
  - K. The board shall review the administrative efforts of the Department of Commerce and

Economic Development as well as other departments of state government which are designed to provide adequate developmental infrastructure and shall make recommendations with regard to such additions and changes as it deems necessary and appropriate.

- L. Staff assistance for the board shall be provided as appropriate by the Department of Commerce and Economic Development, the Office of the Governor, the Office of Fiscal Management, and contributed private sector staff.
- M. The board shall report periodically its recommendations for action to the Governor, who shall disseminate them to the public and to the legislature.

This order shall expire on June 30, 1985, or at such time as the role of the board shall be effectively superseded by any board engaged in similar activities established by order or statute.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16th day of July, A.D., nineteen hundred and eighty-four.

John Spellman

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Governor of Washington

**BY THE GOVERNOR:**

Ralph Munro

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Secretary of State

**WSR 84-15-064  
EXECUTIVE ORDER  
OFFICE OF THE GOVERNOR  
[EO 84-18]**

**ATHLETIC HEALTH CARE AND TRAINING  
COUNCIL**

The Athletic Health Care and Training Council was established under the terms of the Laws of 1984, Chapter 286. Its organic statute provides that the Council shall have fourteen members, but the requirements for those positions are narrowly drawn, forestalling voting membership for athletic directors, coaches, and athletes.

The Council was established because of the legislature's finding "that the health and safety of the participants in athletics who are between twelve and eighteen years of age is of great importance." The study contemplated by the act would be significantly enhanced by the contributions of sports training specialists, athletic coaches, and

athletes who otherwise are not specifically represented on the Council. Such contributions would be provided most effectively by the appointment to the Council of a limited number of ex-officio members. The appointment of such ex-officio members would be consistent with legislative intent and would more fully carry out the purpose of the act creating the Council.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby order that:

The following individuals are appointed to serve as ex-officio members of the Athletic Health Care and Training Council, each for a one-year term: Doug Backous, of Tacoma; Tony Benjamin, of Bellevue; Ken Foreman, of Seattle; and Bill McMahon, of Seattle. Ex-officio members shall serve without compensation, but shall be reimbursed for travel expenses according to the same provisions applicable to voting members pursuant to Section 3 of Laws of 1984, Chapter 286.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16th day of July, nineteen hundred and eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 84-15-065  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 84-75—Filed July 18, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable quantities of sockeye salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 18, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-57A-1750OK LAKE WASHINGTON.** Notwithstanding the provisions of WAC 220-57A-175, effective immediately through August 15, 1984, it is lawful to take, fish for and possess sockeye salmon for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge. Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

The bag limit in any one day is six sockeye salmon not less than 10 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh sockeye salmon. Additional sockeye salmon may be possessed in a frozen or processed form.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective immediately.

**WAC 220-57A-17500J LAKE WASHINGTON (84-69)**

**WSR 84-15-066  
PROPOSED RULES  
DEPARTMENT OF LICENSING**  
[Filed July 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning chapter 208, Laws of 1984, Washington Cosmetologists, Barbers and Manicurists Act regarding the regulation and licensing of the practice of cosmetology, barbering and manicuring and of schools offering instruction in cosmetology, barbering and manicuring and the repeal of chapter 308-16 and 308-24 WAC;

that the agency will at 9:00 a.m., Friday, August 24, 1984, in the Department of Licensing Examination Center, 1300 Quince Street S.E., Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 208, Laws of 1984.

The specific statute these rules are intended to implement is chapter 208, Laws of 1984.

Dated: July 17, 1984  
By: Delores E. Spice  
Executive Secretary

## STATEMENT OF PURPOSE

Name of Agency: Department of Licensing.

Purpose: The purpose of the proposed rules is to implement chapter 208, Laws of 1984.

Summary: WAC 308-20-010 Definitions, clarification of language and intent; WAC 308-20-020 Term of course—Examination eligibility, identifies the required age of applicants, each hourly course requirement for manicurists, barber and cosmetologist examination and statement of department intent not to require students to remain in school beyond the required hourly requirement stated; WAC 308-20-030 Curriculum structure, statement of intent and content of curriculum; WAC 308-20-040 Application for school license, states the school application for licensing requirements; WAC 308-20-050 Change in ownership of school, identifies when new owners of an existing school must reapply for licensure; WAC 308-20-060 Surety bond requirement for schools, states the amount of required surety bonds; acceptable alternative methods and terms; filing; principal and surety; release of surety and director's responsibility; WAC 308-20-070 Training guidelines, rating scale for evaluation of student progress and recording form; WAC 308-20-080 Course outline of training requirements, outlines course content, minimum achievement level required before students can work on customers in the school and suggested job readiness completion rating for training in cosmetology, barbing and as a manicurist; WAC 308-20-090 Student credit for training, Transferability of students within the state; and transfer credits for students from out of state; WAC 308-20-100 Recording student hours, requires student hours be recorded daily and provided to students monthly; WAC 308-20-105 Cosmetology instructor curriculum, provides guidelines for development of instructor curriculum; WAC 308-20-110 Minimum school safety standards, school responsibility for sanitation and safety; hot and cold water; clean towels; robes and gowns; dispensary; wet sanitizer; storage of chemicals; fire extinguishers; toilet facilities; shampoo bowls; WAC 308-20-120 Examination construction and content, written examination to determine applicants knowledge of safe and sanitary practice; WAC 308-20-130 Examination objectives, broadly defines what the applicant needs to know to pass the examination; WAC 308-20-140 Examination—Application, examination schedules and posting of schedules. School restricted from hindering a student from submitting application for examination. Requirements for submitting examination application and deadline dates for application. Penalty for failure to appear, exception to the penalty; WAC 308-20-150 Student appeal—Examination eligibility denial by the school, student appeal procedure. School's accountability; WAC 308-20-160 Release of results of examination, outlines methods for notification of examination results. Procedure for review of examination; WAC 308-20-170 Passing scores, passing score as determined by the cosmetology/barber/manicurist advisory board; WAC 308-20-180 Posting of license, posting of license required for the benefit of the public. Required referral of unresolved complaints to the Department of Licensing; WAC 308-

20-190 Restricted license, requirements relative to director's authority to restrict authorized scope of practice and posting of restricted license; WAC 308-20-200 Fees, fees listed for all licenses issued pursuant to this chapter and in accordance with RCW 43.24.086; and WAC 308-20-205 License renewal—Penalties, establish the renewal periods and penalties for late renewals.

Statutory Authority: Chapter 208, Laws of 1984.

Reason Proposed: The adoption of the proposed rules will enhance the Department of Licensing's ability to protect the public.

Responsible Departmental Personnel: The following Department of Licensing personnel have knowledge of an responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator, 1300 Quince S.E., Olympia, WA 98504, 234-1150 scan, 753-1150 comm, and Delores E. Spice, Executive Secretary, 1300 Quince S.E., Olympia, WA 98504, 234-3834 scan, 753-3834 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Cosmetology, Barber and Manicurist Advisory Board at the request of the Director of Licensing.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

## Chapter 308-20 WAC COSMETOLOGY—BARBER—MANICURIST RULES

### WAC

308-20-010	Definitions.
308-20-020	Term of course—Examination eligibility.
308-20-030	Curriculum structure.
308-20-040	Application for school license.
308-20-050	Change in ownership of school.
308-20-060	Surety bond requirement for schools.
308-20-070	Training guidelines.
308-20-080	Course outline of training requirements.
308-20-090	Student credit for training.
308-20-100	Recording student hours.
308-20-105	Curriculum for cadet instructors.
308-20-110	Minimum school safety standards.
308-20-120	Examination construction and content.
308-20-130	Examination objectives.
308-20-140	Examination—Application.
308-20-150	Student appeal—Examination eligibility denial by the school.
308-20-160	Release of results of examination.
308-20-180	Posting of license.
308-20-190	Restricted license.
308-20-200	Fees.
308-20-205	License renewal—Penalties.

### NEW SECTION

WAC 308-20-010 DEFINITIONS. (1) Achievement indicators—Forms designed and used by the school to record achievement rating of student learning objectives.

(2) Basic—Beginning, essential understanding.

(3) Chemical compounds formulated for professional use only—Compounds containing hazardous chemicals in a form not generally sold to the public; such as, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances or corrosive materials.

(4) Concept—Understanding an idea.

(5) Curriculum—Detailed course of study.

(6) Student learning objectives—Measurable outcomes expected to occur as the result of instruction.

(7) Instructional objectives—Measurable evaluation of the attainment of the student learning objectives.

(8) Terminal learning objectives—Final outcomes expected to occur at the completion of a course of study as a result of instruction.

(9) Special student—Optional method for public high school students to enroll in cosmetology school. Students electing to enroll as special students must complete high school or GED equivalency.

(10) Commercial practice or business—Services performed for sale or profit. One's work, occupation or profession.

(11) Task—A step or procedure within a job.

(12) Job—A complete service; i.e., haircut, machine facial, permanent wave, etc.

#### NEW SECTION

**WAC 308-20-020 TERM OF COURSE—EXAMINATION ELIGIBILITY.** The department shall not require students to remain in school after the completion of any course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 800 hours of barber training as approved by the director may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director may apply for examination to be licensed as a cosmetologist. Course will consist of 500 hour manicurist course, the 800 hour barber course and an additional 300 hours of training in the performance of all chemical services as approved by the director.

#### NEW SECTION

**WAC 308-20-030 CURRICULUM STRUCTURE.** Each curriculum shall be designed to prepare students for at least beginning employment/job entry and to pass the licensing examination.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of the student within the corresponding time frame for each curriculum offered by the school.

Each curriculum shall include terminal objectives with achievement indicators that measure achievement of all student learning objectives.

#### NEW SECTION

**WAC 308-20-040 APPLICATION FOR SCHOOL LICENSE.** With each school application, the following items must be included before a school license will be approved by the department:

(1) Owners—Names and addresses of all school owners must be on the application for a school license;

(2) List of instructors, with their addresses, responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;

(3) A copy of the curriculum for each course the school intends to offer. A cosmetology school must submit a curriculum for manicurist, barber and chemical services; a barber school must submit a barber curriculum; a manicurist school submits a manicurist curriculum. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter;

(4) Each school will submit, at the time of application, a copy of their catalog, brochure and contract they intend to use for the enrollment of students. Each catalog, brochure and enrollment contract will contain in clear, concise language, the cancellation and refund policy of the school;

(5) The description of the school facilities and equipment can be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(6) Surety bond or other form of negotiable surety as established by WAC 308-20-060 shall be submitted with application for school licensure. No school shall be approved until the surety bond is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (6) of this section.

#### NEW SECTION

**WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL.** If a change involving twenty-five or more percent of school ownership occurs, a new license application must be submitted with proof of

ownership, or percentage of ownership, by the new owners. New application must then be submitted to the department within fifteen days of change of ownership. Such notification to include any changes made in curriculum, instructional staff, catalog, brochure, contract or surety bond.

#### NEW SECTION

**WAC 308-20-060 SURETY BOND REQUIREMENT FOR SCHOOLS.** All currently licensed schools will be required to file surety to meet the new requirements within ninety days of rules adoption. New applications for school license after July 1, 1984 will be required to meet the new requirement. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be \$25,000.00 for all schools enrolling or intending to enroll twenty or more students for the protection of the students.

Schools enrolling or intending to enroll less than twenty students shall obtain a surety bond in the amount of \$12,500.00 for the protection of the students.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and shall not release the same to the owner of the school unless the department authorizes a release in writing.

(c) Irrevocable letter of credit from a bank, made payable to the state of Washington and deposited with the agency as would a bond.

(3) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: PROVIDED, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (5) of this section.

(4) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(5) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

#### NEW SECTION

**WAC 308-20-070 TRAINING GUIDELINES.** Rating scale to be used when evaluating student progress and recording progress on achievement indicator.

Rating scale: Numerical scale to be used to rate student's competency in attainment of learning objectives will be used as follows:

4. Job ready—Can completely perform the job safely and independently.

3. Moderately competent—Can perform job completely and safely with limited supervision.

2. Limited competency—Requires instruction and close supervision in order to perform a task safely.  
 1. No exposure—No experience or knowledge in this area.

Schools will design instructional objectives which promote student progress from a beginning "1" rating to completion "4" rating as the terminal objective within the specified hours required for each course. Each month school shall provide each student with a copy of their achievement indicator.

#### NEW SECTION

#### **WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS.**

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	SUGGESTED	JOB READINESS COMPLETION RATING - 4
		(a) sectioning and wrapping (b) preperm test curl (c) solution application (d) processing (e) neutralizing	

#### Barber Services

##### Training:

- |   |   |
|---|---|
| 1. Shampooing   | 2 |
| 2. Haircutting or trimming  | 2 |
| 3. Arranging, dressing, curling or waving                           | 2 |
| 4. Sanitation of materials, equipment and tools                     | 3 |
| 5. Safety   |   |
| (a) the use of materials, equipment and tools                       | 3 |
| (b) recognition of a disease or disorder of the skin, scalp or hair | 3 |

#### Manicurist Services

##### Training:

- |  |   |
|--|---|
| 1. Application and removal of artificial nails                         | 2 |
| 2. Sanitation of materials, equipment and tools to provide the service | 3 |
| 3. Safety  |   |
| (a) in the use of materials, equipment and tools to provide a service  | 3 |
| (b) in the recognition of a disease or disorder of the nail or skin    | 3 |
| 4. Skin care involving hot compresses or massage                       | 2 |
| 5. Skin care involving electrical appliances                           | 2 |
| 6. Temporary removal of superfluous hair                               |   |
| (a) mechanical   | 2 |
| (b) chemical   | 2 |
| (c) electrical   | 2 |
| 7. Safety  |   |
| (a) skin analysis for the recognition of disease or disorders          | 3 |
| (b) use of chemicals formulated for professional use only              | 3 |
| (c) use of materials, equipment and tools to provide a service         | 3 |

- |   |   |
|---|---|
| 8. Sanitation of all materials, equipment and tools used to provide a service | 3 |
|---|---|

#### Cosmetology Chemical Services Training:

1. Permanent waving
 

(a) sectioning and wrapping	2
(b) preperm test curl	2
(c) solution application	2
(d) processing	2
(e) neutralizing	2
2. Chemical relaxing
 

(a) sectioning	2
(b) strand test	2
(c) relaxer application	2
(d) processing	2
(e) neutralizing	2
3. Hair coloring or bleaching
 

(a) predisposition test	2
(b) strand test	2
(c) measurement and mixing of chemicals	2
(d) application of chemicals	2
(e) removal of chemicals	2
4. Safety
 

(a) in the storage, mixing and use of chemicals	3
(b) in the uses of materials, equipment and tools to provide a service	3
5. Sanitation of all materials, equipment and tools to provide a service

All ratings should reflect job readiness rather than a grade given in class.

Ratings will be recorded on each student's achievement indicator.

#### NEW SECTION

**WAC 308-20-090 STUDENT CREDIT FOR TRAINING.** (1) Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.

(2) Students transferring from another state, country or territory will receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each course; (b) student learning objective credit after successfully demonstrating that the objectives have been met. Each student will receive a copy of the achievement indicators.

#### NEW SECTION

**WAC 308-20-100 RECORDING STUDENT HOURS.** Each school shall record student hours daily and provide monthly accumulated total of all hours obtained for each course offered to each student. Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place. Up to date monthly accumulated hourly totals shall be recorded on each student's objective achievement indicator record. The student learning objectives shall be recorded on student's objective indicator record as they are achieved. The original will be kept on file at the school and a copy provided to the student each month.

#### NEW SECTION

**WAC 308-20-105 CURRICULUM FOR CADET INSTRUCTORS.** Licensed schools wishing to offer training for cosmetology instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

- (1) Training in instructional methods covering the following subjects or units:
  - (a) Methods of teaching cosmetology;
  - (i) Lesson planning to meet instructional objectives;
  - (ii) Student learning principles for student learning objectives;
  - (iii) Classroom management; and
  - (iv) Four-step method.
- (b) Occupational analysis and advisory committees:

- (i) Develop system for analysis;
- (ii) Charting and categorizing;
- (iii) Validating; and
- (iv) Organizing and working with advisory committees.
- (c) Course organization:
  - (i) Develop instruction from analysis;
  - (ii) Organize and prioritize;
  - (iii) Group and sequence learning units;
  - (iv) Test and evaluate; record progress of students on achievement indicators; and
  - (v) Teaching aids.
- (d) Student leadership development:
  - (i) How to be effective;
  - (ii) Vocational Industrial Clubs of America or student leadership organization;
  - (iii) Personality and conduct;
  - (iv) Interpersonal relationships; and
  - (v) Customer relations.
- (e) One of the following topics or units:
  - (i) Testing and rating;
  - (ii) Audio visual materials;
  - (iii) Philosophy of vocational education; or
  - (iv) Techniques in individualized instruction.
- (2) Training in clinic supervision and management covering the application of teaching techniques as follows:
  - (a) Practical classroom and clinic services:
    - (i) Sanitation of all tools, implements, equipment, and work areas; and
    - (ii) Safety involved in providing any service to members of the public.
  - (b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.
  - (c) Reception area management:
    - (i) Customer relations;
    - (ii) Use of cash register;
    - (iii) Telephone techniques; and
    - (iv) Student's practical assignments:
  - (A) Motivational supervision; and
  - (B) Student assistance.
- (3) Student cosmetology instructors cannot be used to replace a licensed instructor for the training of students. Student instructors must be under the direct supervision of a licensed instructor at all times.

**NEW SECTION**

**WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS.** (1) Each school or institution to whom the license is issued will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to insure sanitation and safety measures are applied for the maximum protection of the public, students or models used by students or instructors.

(2) Adequate supply of hot and cold running water must be provided for the benefit of the student's and consumer's health, safety and welfare.

(3) Clean towels shall be provided for each customer and shall be laundered after every use.

(4) Robes or gowns used by customers, when necessary to protect or remove clothing, must be laundered after every use. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.

(5) Dispensary, with sink and adequate supply of hot and cold running water, shall be a designated, separate and appropriate area for dispensing supplies and cleaning of tools, equipment and materials.

(6) Wet sanitizer—Fresh, clean solution shall be placed daily in a clean container for the sanitizing of combs, brushes and other tools or implements.

(7) Storage of chemicals must be done in such a manner which eliminates the possibility of fires, fumes, corrosion of containers or contamination and must comply with state and local laws. Flammable liquids that have a flash point below 100° F and vapor pressure not exceeding 40 lbs per square inch under 100° F must be provided adequate ventilation in storage so that normal leakage of such vapors from containers will be diluted enough to prevent spark from igniting them. Reducing or oxidizing materials must be stored separately from powerful oxidizing agents. Storage areas shall be posted "flammable liquids". Acids must be stored in a cool, well ventilated area void of sources of ignition. If acids are stored on metal shelves, they must be painted or otherwise rendered immune to attack by acids. Corrosive

materials must be kept cool but well above freezing in a well ventilated area to prevent accumulation of fumes. Materials should be inspected regularly as corrosive materials often destroy their containers. Corroded containers must be discarded immediately.

(8) Fire extinguishers approved by local fire department must be kept in vicinity of storage area.

(9) Toilet facilities—Every licensed school shall provide adequate toilet facilities for the use of customers, employees and students. The use of common towels and bar soap is prohibited.

(10) Shampoo bowls will be kept clean and free of hair in traps.

**NEW SECTION**

**WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT.** Examinations for cosmetologists, barbers and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices may include the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees.

**NEW SECTION**

**WAC 308-20-130 EXAMINATION OBJECTIVES.** The following objectives will constitute the basis for written examination questions for each licensing category:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing for the well being of the consumer as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber or manicurist occupation.

**NEW SECTION**

**WAC 308-20-140 EXAMINATION—APPLICATION.** Examinations will be given monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

Each application submitted by the student must have notarized signatures of both the student and the school owner or manager. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

All applications and fees for examination or reexamination must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination). Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person failing to be present for scheduled examination, or requesting to be rescheduled at least seven days prior to scheduled examination date, except in emergencies as determined by the department, shall forfeit fee for examination.

**NEW SECTION**

**WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL.** Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has obtained the required course hours, the student may appeal the decision. Appeal must be submitted to the department, in writing, stating reasons why they think they are eligible. Such appeal to be submitted with examination application, accompanied by fee and copy of achievement indicator showing completion of hours and learning objectives.

Schools will be required to respond in writing stating the reason for refusal to sign, supply copies or documentation of events which substantiate their refusal or reasons why the required training was not provided or obtained within the time required. Failure to respond within twenty days will result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

#### NEW SECTION

**WAC 308-20-160 RELEASE OF RESULTS OF EXAMINATION.** (1) The department of licensing will notify applicants of examination results by mail only.

(2) Applicants who pass the examination will receive their license to practice.

(3) Applicants who fail shall receive a letter of notification to retake the examination and a retake application. Failing scores will be included in the notification.

(4) Examination papers completed by the applicant will be maintained by the division of professional licensing and will be made available for inspection, by appointment, with the applicant or applicant's agent. Agents of the applicant must submit a letter of authorization with notarized signature of the applicant before inspection of examination papers will be permitted. Papers are not to be duplicated or removed from this office. Notes may not be made on any examination material.

#### NEW SECTION

**WAC 308-20-180 POSTING OF LICENSE.** All licenses required by this chapter shall be posted in a location within the place of business that is easily observed by members of the public for whom services are performed.

The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.

#### NEW SECTION

**WAC 308-20-190 RESTRICTED LICENSE.** Should the director restrict the licensee's scope of practice, the licensee will be required to surrender their unrestricted license to the department of licensing whereby the stated restriction will be affixed, then returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Restricted services may not be performed by the licensee until the restriction is removed from the license.

#### NEW SECTION

**WAC 308-20-200 FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Cosmetologist exam application	30.00
Cosmetologist renewal	15.00
Late renewal penalty	15.00
Instructor exam application	30.00
Instructor renewal	25.00
Late renewal penalty	25.00
Manicurist exam application	30.00
Manicurist renewal	15.00
Late renewal penalty	15.00
School license application	150.00
School renewal	150.00
Late renewal penalty	150.00
Barber exam application	30.00
Barber renewal	15.00
Late renewal penalty	15.00
Out of state license application	30.00
Duplicate license	5.00
Certification	5.00

#### NEW SECTION

**WAC 308-20-205 LICENSE RENEWAL—PENALTIES.** (1)

Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director.

Licenses may be reinstated up to three years by payment of all renewal and penalty fees for the period for which the license had lapsed.

(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-16-010	LIMITATIONS ON PRACTICE.
WAC 308-16-020	BARBER SHOPS—USE OF PREMISES.
WAC 308-16-030	BARBER SHOPS—WATER SUPPLY.
WAC 308-16-040	BARBER SHOPS—DISCHARGE OF WASTE WATER.
WAC 308-16-050	BARBER SHOPS—LIGHTING FIXTURES.
WAC 308-16-060	BARBER SHOPS—VENTILATION.
WAC 308-16-070	BARBER SHOPS—RECEPTACLE FOR SOILED TOWELS.
WAC 308-16-080	BARBER SHOPS—WASTE RECEPTACLES.
WAC 308-16-090	BARBER SHOPS—SUPERVISION AND LICENSE.
WAC 308-16-100	BARBER SHOPS—POSTING OF LICENSE.
WAC 308-16-110	BARBER SHOPS—GENERAL SANITATION.
WAC 308-16-120	BARBER SHOPS—SANITATION OF WALLS, FURNITURE AND FIXTURES.
WAC 308-16-130	BARBER SHOPS—CABINETS.
WAC 308-16-140	BARBER SHOPS—STERILIZATION OF TOOLS AND IMPLEMENTS.
WAC 308-16-150	BARBER SHOPS—HEALTH OF PERSONNEL.
WAC 308-16-160	BARBER SHOPS—CLEANLINESS OF PERSONNEL.
WAC 308-16-170	RESTRICTED SERVICES.
WAC 308-16-180	USE OF CERTAIN MATERIALS RESTRICTED.
WAC 308-16-190	INSPECTION.
WAC 308-16-200	BARBER COLLEGES—HOURS.
WAC 308-16-205	REQUIRED HAIRCUT FOR PERFORMANCE EXAMINATION.
WAC 308-16-213	PRACTICAL EXAMINATION—LENGTH OF EXAMINATION.
WAC 308-16-214	SCORING FOR PRACTICAL EXAMINATION—BARBER.
WAC 308-16-215	REEXAMINATIONS.
WAC 308-16-216	PARTIAL WRITTEN REEXAMINATIONS.
WAC 308-16-218	APPLICATIONS FOR EXAMINATION.
WAC 308-16-240	BRUSH-UP COURSES.
WAC 308-16-250	INSTRUCTOR EXAMINATIONS.
WAC 308-16-260	THEORY CLASSES.
WAC 308-16-270	MINIMUM WEEKLY THEORY HOURS.
WAC 308-16-290	FINISHING SERVICES BY INSTRUCTORS.
WAC 308-16-300	DEFINING "USE" OF INSTRUCTOR'S LICENSE.
WAC 308-16-310	DEMONSTRATIONS AND SHORT COURSES.
WAC 308-16-320	TIME FOR APPLICATIONS.
WAC 308-16-350	TEXTBOOK(S) USED FOR BARBER EXAMINATION.
WAC 308-16-360	EXAMINATION FOR MEN'S HAIRSTYLING CERTIFICATE.
WAC 308-16-380	DEFINITION OF THE WORDS "CHEMICAL" OR "CHEMICALS."
WAC 308-16-390	BARBER STUDENT CURRICULUM.
WAC 308-16-400	MEN'S HAIRSTYLING CURRICULUM, INSTRUCTORS AND SCHOOLS.
WAC 308-16-430	RENEWAL OF LICENSES.
WAC 308-16-440	CATALOG OR BROCHURE.
WAC 308-16-450	MINIMUM CANCELLATION AND REFUND POLICY.

WAC 308-16-460 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST.  
 WAC 308-16-470 BONDING.  
 WAC 308-16-500 FEES.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 308-24-300 DEFINITIONS.  
 WAC 308-24-305 DEMONSTRATIONS AND CONTESTS.  
 WAC 308-24-315 EQUIVALENT HIGH SCHOOL  
**EDUCATION.**  
 WAC 308-24-320 RECORDING STUDENT HOURS.  
 WAC 308-24-330 CREDIT ALLOWED ON TRANSFER OF TRAINING.  
 WAC 308-24-335 STATE CORRECTIONAL INSTITUTIONS.  
 WAC 308-24-340 STUDENT RESTRICTIONS.  
 WAC 308-24-345 CURRICULUM FOR CADET INSTRUCTORS.  
 WAC 308-24-350 ELIGIBILITY REQUIREMENTS FOR LICENSING AS A MANICURIST.  
 WAC 308-24-355 CURRICULUM FOR COSMETOLOGY OPERATOR COURSE OF INSTRUCTION.  
 WAC 308-24-360 CURRICULUM FOR MANICURIST COURSE OF INSTRUCTION.  
 WAC 308-24-370 APPLICATION AND EXAMINATIONS.  
 WAC 308-24-382 EXAMINATION FOR LICENSING.  
 WAC 308-24-384 SCOPE OF EXAMINATIONS.  
 WAC 308-24-390 TIME LIMITATION FOR LICENSING.  
 WAC 308-24-395 INSTRUCTOR EXAMINATION FOR LICENSING.  
 WAC 308-24-400 LICENSING OUT OF STATE APPLICANTS—TEMPORARY PERMITS ARE NOT GRANTED.  
 WAC 308-24-403 LICENSING OUT OF STATE APPLICANTS WITHOUT EXAMINATION.  
 WAC 308-24-404 LICENSING OUT OF STATE APPLICANTS WITH EXAMINATION.  
 WAC 308-24-420 POST GRADUATE TRAINING FOR INSTRUCTORS.  
 WAC 308-24-430 STANDARD REQUIREMENTS FOR MAINTENANCE AND OPERATION OF LICENSED SHOPS OR SCHOOLS.  
 WAC 308-24-440 LICENSEES AND EMPLOYEES.  
 WAC 308-24-450 SCHOOL EQUIPMENT AND FACILITIES.  
 WAC 308-24-460 POSTING OF RULES, LICENSES AND INSPECTION REPORTS.  
 WAC 308-24-470 INSPECTIONS.  
 WAC 308-24-485 FEES.  
 WAC 308-24-500 RENEWAL OF LICENSES.  
 WAC 308-24-510 CATALOG OR BROCHURE.  
 WAC 308-24-520 MINIMUM CANCELLATION AND REFUND POLICY.  
 WAC 308-24-530 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST.  
 WAC 308-24-540 BONDING.

**WSR 84-15-067**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
 [Filed July 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Board of Medical Examiners intends to adopt, amend, or repeal rules concerning physician assistant program approval, medical undergraduate clinical training, medical post graduate training and acupuncture program approval;

that the agency will at 1:30 p.m., Friday, September 7, 1984, in the Sea-Tac Marriott, City Suite Area, 3201 South 176th, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.71.017 for WAC 308-52-254 and 308-52-255; and chapter 18.71A RCW for WAC 308-52-138 and 308-52-502.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 31, 1984.

Dated: July 17, 1984  
 By: Arlene Robertson  
 Assistant Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Medical Examiners.

Purpose: WAC 308-52-138 amendment would revise the reapproval procedures for physician assistant training program; WAC 308-52-254 would define undergraduate clinical training; WAC 308-52-255 amendment would add criteria for evaluation of post graduate training performance; and WAC 308-52-502 amendment would revise the procedure for acupuncture program approval.

Statutory Authority: RCW 18.71.017 and 18.71A.020.

Summary of the Rules: WAC 308-52-138 Physician assistants—Program approval; 308-52-254 Undergraduate clinical training; 308-52-255 Post graduate training defined; and 308-52-502 Acupuncture—Program approval.

Reasons Proposed: These rules are proposed to provide additional notice of the board's procedures and to upgrade standards for training programs for physicians, physician assistants and acupuncture assistants.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Deanna Dicomes, Executive Secretary, and Arlene Robertson, Assistant Executive Secretary, 1300 South Quince, Olympia, WA 98504, 234-2205 scan, 753-2205 comm.

Proponents: All amendments were proposed by the Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

**AMENDATORY SECTION** (Amending Order PL 421, filed 1/14/83)

WAC 308-52-138 PHYSICIAN ASSISTANTS—PROGRAM APPROVAL. No physician shall be entitled to register a physician assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physician assistants shall be judged. If the council of medical education of the American

medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates and the specialty for which the physician assistant is trained.

(c) Reapproval. Programs maintaining standards as defined in the "essentials" of the council of medical education of the American medical association will continue to be approved by the board without further review. Each approved program not maintaining the standards as defined in the "essentials" of the council of medical education of the American medical association will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following such reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(3)

(a) Where an application for program approval has been pending for one year and has not been approved due to the absence of program standards promulgated by the board, a program may apply for provisional approval.

(b) Such approval is solely for the limited purpose of availing the program's students of the exemption contained in RCW 18.71.030(8) and shall end when the board makes a final determination as to program approval pursuant to this section.

(c) Provisional approval as defined in subsection (b) above can be granted if the program:

(i) needs such approval in order for the clinical elements of its educational regimen to proceed on schedule;

(ii) has established the likelihood of satisfying the relevant program approval guidelines in their current form;

(iii) will otherwise comply with the terms of RCW 18.71.030(8); and

(iv) agrees to such other safeguards as the board may stipulate to ensure patient safety.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 308-52-254 UNDERGRADUATE CLINICAL TRAINING.** For the purposes of this chapter, undergraduate clinical training shall be considered to mean supervised undergraduate clinical training received in a program sponsored by a board-approved United States or Canadian medical school.

## AMENDATORY SECTION (Amending Order PL 369, filed 1/21/81)

**WAC 308-52-255 POST GRADUATE MEDICAL TRAINING DEFINED.** For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine and surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course or under-graduate medical instruction outlined in RCW 18.71.055. Clinical competency deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

## AMENDATORY SECTION (Amending Order PL 428, filed 3/10/83)

**WAC 308-52-502 ACUPUNCTURE—PROGRAM APPROVAL.** (1) Procedure. The board will consider for approval any school((;)) or program((; apprenticeship or tutorial)) which meets the requirements outlined in this regulation and provides the training required under WAC 308-52-500 – Acupuncture Assistants Education. ((approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis.)) Clinical and didactic training may be approved as separate programs or as a joint program. Any clinical instruction conducted in this state must be approved by the board prior to initiation. The program approval process is as follows:

(a) Programs seeking approval shall file an application with the board in the format required by the board.

(b) The board will review the application and ((determine)) conduct whether a site review of all institutions in the United States ((is necessary (in the case of an institution) or an interview is appropriate (in the case of individual training) or approval may be granted on the basis of the application alone)). Expenses incurred for the site review shall be the responsibility of the program requesting approval.

(c) The site review committee shall consist of two board members, two acupuncturists from the board's acupuncture advisory committee, and one member of the board staff. The review committee may visit the program any time during school operating hours. The committee will report to the board in writing concerning the program's compliance with each section of the regulations.

(d) After reviewing all of the information collected concerning a program; the board may grant or deny approval, or grant approval conditional upon program modifications being made. In the event of denial or conditional approval, the program may request a hearing before the board. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made.

(e) The board expects approved programs not to make changes which will result in the program not being in compliance with the regulations. Programs must notify the board concerning significant changes in administration, faculty or curriculum. The board may inspect the school at reasonable intervals to check for compliance. Program approval may be withdrawn, after a hearing, if the board finds the program is no longer in compliance with the regulation.

(3) Didactic Faculty. Didactic training may only be provided by persons who meet the criteria for faculty as stated in the Council for Postsecondary Education's WAC 250-55-090 – Personnel Qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical Faculty. Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of five years of full time acupuncture practice experience.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and training arrangements. Approval of the instructors will extend to instruction conducted within the program.

(c) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Supervision of training. Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given clinical period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct: each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor must at least be in the facility, available for consultation and assistance. A medical doctor may only supervise two acupuncture assistant instructors per clinical instruction period.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 84-15-068**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
[Order PL 473—Filed July 18, 1984]

Be it resolved by the Washington State Board of Medical Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd WAC 308-52-100 Applications for examination.  
Amd WAC 308-52-255 Post graduate medical training defined.

This action is taken pursuant to Notice No. WSR 84-12-090 filed with the code reviser on June 6, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.017 which directs that the Medical Examining Board has authority to implement the provisions of chapter 18.71 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 13, 1984.  
By Barbara S. Schniederman, MD  
Chairman

**AMENDATORY SECTION** (Amending Order PL 136, filed 11/16/72)

**WAC 308-52-100 APPLICATIONS FOR EXAMINATION.** All applications for medical license by examination in the state of Washington shall be in the office of the professional licensing division, department of ((motor vehicles)) licensing no later than ((October)) August 1 or ((April)) February 1.

**AMENDATORY SECTION** (Amending Order PL 369, filed 1/21/81)

**WAC 308-52-255 POST GRADUATE MEDICAL TRAINING DEFINED.** (1) For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of under-graduate medical instruction outlined in RCW 18.71.055. This definition shall be considered to include, but not be limited to, internships,

residencies and fellowships in medical or surgical subjects.

(2) The board approves the following post-graduate clinical training courses:

(a) Programs accredited by the American Medical Association Accreditation Council for graduate medical education which are listed in the 1984-1985 directory of residency programs, or programs approved by the American Medical Association Accreditation Council at the time of residency.

(b) Pre-registration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

**WSR 84-15-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-76—Filed July 18, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10C, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for Baker River sockeye. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook. Restrictions in Area 10F provide protection for Lake Washington sockeye while allowing

a treaty Indian fishery which is expected to take the remaining directed harvestable surplus.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

**APPROVED AND ADOPTED** July 18, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-28-410 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.**

**Areas 6B, 9 – Closed to all commercial fishing.**

**Area 6D – Closed to all commercial fishing.**

**Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.**

**Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.**

**Skagit River – (1) Mouth to Baker River – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.**

**Area 10C – Closed to all commercial fishing.**

**\*Areas 10D and 10G – Closed to all commercial fishing.**

**\*Area 10F – Closed to all commercial fishing except from 3:00 PM July 19 to 9:00 AM July 20.**

**Area 13A – Effective through July 31, closed to all commercial fishing.**

**Nooksack River – (1) Marietta Bridge to confluence of north and south forks – Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence – closed to all commercial fishing.**

*Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, and Minter Creek – Closed to all commercial fishing.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective immediately.*

**WAC 220-28-409 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-73)**

**WSR 84-15-070**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**

[Filed July 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources through the Board of Natural Resources, intends to adopt, amend, or repeal rules concerning this order revises various sections of chapter 332-30 WAC, aquatic land management. These rules establish regulations to implement SSHB 1231 (chapter 221, Laws of 1984) which relates to aquatic lands. The regulations define new terms; establish new rental rate determination methods for state-owned aquatic lands (water dependent and nonwater dependent); provide guidelines for port management agreements covering state-owned aquatic lands; provide for stairstepping of rental increases, administrative review of new rental rates, lease rent time-payments and interest payments for delinquent lease accounts.

Public hearings on the proposed regulations will be held at the following places and times: Mt. Vernon, August 21, 1984, 1 p.m., Skagit County Courthouse, New Administration Building Complex, Second and Kincaid, Hearing Rooms A and B; Seattle, August 21, 1984, 7 p.m., Port of Seattle, Pier 66, Commission Chambers, 3rd Floor Conference Room; Olympia, August 22, 1984, 1 p.m., Senate Hearing Room #1, 1st Floor, Public Lands Building; Longview, August 22, 1984, 7 p.m., Cowlitz County PUD, 960 Commerce Avenue, Public Service Room; Richland, August 23, 1984, 1 p.m., Washington Public Power Supply System, Walkley Room, 3040 George Washington Way; and Spokane, August 23, 1984, 7 p.m., Spokane County Public Health Building, 1101 West College Avenue.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 4, 1984.

The authority under which these rules are proposed is SSHB 1231 (chapter 221, Laws of 1984).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1984.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Ron Holtcamp  
Department of Natural Resources  
Division of Marine Land Management  
Public Lands Building – Mailstop QW-21  
Olympia, Washington 98504  
(206) 754-1818

Dated: July 17, 1984  
By: John L. Chambers  
for Commissioner of Public Lands  
through the Board of Natural Resources  
**STATEMENT OF PURPOSE**

**Title and Number of Rule Section(s) or Chapter(s):** Chapter 332-30 WAC, Aquatic land management; includes WAC 332-30-106 Definitions; 332-30-114 Management agreements with port districts; 332-30-122 Aquatic land use authorization; 332-30-123 Aquatic land use rentals for water dependent uses; 332-30-125 Aquatic land use rentals for nonwater dependent uses; and 332-30-145 Booming rafting and storage of logs.

**Statutory Authority:** SSHB 1231, chapter 221, Laws of 1984.

**Specific Statute that Rule is Intended to Implement:** SSHB 1231, chapter 221, Laws of 1984.

**Summary of the Rules:** These rules establish regulations to implement SSHB 1231 (chapter 221, Laws of 1984), which relates to aquatic lands. The regulations define new terms; establish new rental rate determination methods for state-owned aquatic lands (water dependent and nonwater dependent); provide guidelines for port management agreements covering state-owned aquatic lands; provide for stairstepping of rental increases, administrative review of new rental rates, lease rent time payments and interest payments for delinquent lease accounts.

**Reasons Supporting the Proposed Rules:** The rules establish regulations for implementing new aquatic land use authorization procedures and rental determinations, as required by SSHB 1231 (chapter 221, Laws of 1984).

**The Agency Personnel Responsible for Drafting:** Ronald Holtcamp, Ownership Supervisor, Division of Marine Land Management, Public Lands Building, Olympia, Washington 98504, Mailstop QW-21, (206) 754-1818; **Implementation and Enforcement:** John De Meyer, Manager, Division of Marine Land Management, Public Lands Building, Olympia, Washington 98504, (206) 753-5326.

**Name of Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule:** Department of Natural Resources.

**Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule:** None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

**Any Other Information that may be of Assistance in Identifying the Rule or its Purpose:** None.

No economic impact statement is required. Any economic impacts that may occur are not a direct result of the proposed WACs. The legislature in SSHB 1231 (chapter 221, Laws of 1984), directed changes in policy and law that affected the uses of marine lands. The proposed WACs implement the changes as directed by this new statute. The proposed WACs implement a predictable rental formula established in SSHB 1231 for users of state-owned aquatic lands which are contributing to the administrative efficiency of conducting water-dependent businesses. The provisions for monthly rental payments instead of a one-time yearly payment, will ease cash flow demands for marine land users. The stairstepping provisions for changes in lease payments will allow phase-in of rental charges.

#### **AMENDATORY SECTION** (Amending Order 343, filed 7/3/80)

**WAC 332-30-106 DEFINITIONS.** For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and relieves, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(4) "Aquatic lands" means ((department of natural resources managed)) all state-owned tidelands, shorelands, harbor areas, ((bedlands,)) and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (47) of this section). Included in aquatic lands are public places subsection (49) of this section, waterways subsection (72) of this section, bar islands, avulsively abandoned ((river)) beds and channels of ((at)) navigable ((river areas of the state. Aquatic land is also known as public lands (RCW 79.01.004). Such lands may be leased)) bodies of water, managed by the department of natural resources directly, or indirectly through management agreements with other governmental entities.

(5) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(6) ("Aquatic resources advisory committee" means an ad hoc committee which provides advice on aquatic land management problems to the commissioner of public lands. The committee is composed of representatives from the Washington departments of ecology, fisheries, planning and community affairs, game, office of fiscal management, social and health services (shellfish protection group), and parks and recreation commission; Association of Washington Counties, Association of Washington Cities, Washington Public Ports Association; Association of Washington Business; Federal Corps of Engineers, Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, and Coast Guard; Division of Marine Resources

of the University of Washington, Oceanographic Commission of Washington, Pacific Northwest River Basins Commission.

(7)) "Avulsion" means a sudden and perceptible change in the channel of a body of water. Generally no change in boundary lines occurs.

((8))) (7) "Beds of navigable waters" means those submerged lands lying ((below)) waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" ((is synonymous with)) means beds of navigable waters.

((9))) (8) "Commerce" means the exchange or buying and selling of ((commodities involving transportation from place to place)) goods and services. As it applies to aquatic land, commerce ((to be successful requires the)) usually involves transport and a land/water interface.

((10))) (9) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

((11))) (10) "Department" means the department of natural resources.

((12))) (11) "Dredging" means enlarging or cleaning out a river channel, harbor, etc., for navigation purposes.

((13))) (12) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

((14))) (13) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

((15))) (14) "Environmental reserves" means areas of ((key)) environmental importance ((which are threatened with degradation)), sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest ((which are threatened with degradation by over-use and require)) requiring special protective management.

((16))) (15) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

((17))) (16) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(17) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (Donaldson v. Greenwood, 40 Wash.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(18) "First class shorelands" means ((lands bordering on)) the shores of a navigable ((river or)) lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW ((79.01-028)) 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(19) "First class tidelands" means the ((lands)) shores of navigable tidal waters belonging to the state lying within((;)) or in front of((;)) the corporate limits of any city, or within one mile thereof((;)) upon either side and between the line of ordinary high tide and the inner harbor line ((where harbor lines have been established)); and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW ((79.01-020)) 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(20) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(21) "Governmental entity" means the federal government, the state, or a municipal corporation or political subdivision thereof.

(22) "Harbor area" means ((a constitutionally defined)) the area of ((normally)) navigable waters ((between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the board of natural resources acting as the state harbor lines commission in accordance with the provisions of)) determined as provided in section 1 of Article ((+5)) XV of the state Constitution (((RCW 79.01.012)). The purpose of the harbor area is to provide)) which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission. The members of the board of natural resources serve as this commission.

((23))) (23) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

((24))) (24) "Harbor line" means either or both: (a) A line ((f)) [outer harbor line((;))] located and established in navigable waters as provided for in section 1 of Article ((+5)) XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (79.90.015). (b) A line ((f)) [inner harbor line((;))] located and established in navigable waters between the line of ordinary high tide and the outer harbor line ((and)), constituting the inner boundary of the harbor area (RCW ((79.01.008 and 79.01-016)) 79.90.025).

((25))) (25) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(26) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the bureau of labor statistics of the United States department of commerce (RCW 79.90-).

(27) "Interest rate" means, for a given year, the average rate of return for the prior calendar year on conventional real property mortgages as reported by the federal home loan bank board (RCW 79.90-).

((28))) (28) "Interim nonconforming uses" means an activity which is not authorized by the state Constitution in harbor areas. However because of short term need it is permitted to occur for a period of time less than that for a constitutional use of the harbor area.

((29))) (29) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the "Washington Marine Atlas."

((30))) (30) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

((31))) (31) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

((32))) (32) "Management area" means tidelands, shorelands, harbor areas and beds of navigable waters managed by the department of natural resources, except those areas withdrawn to other governmental agencies.)

(32) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90-).

(33) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90-).

((34))) (34) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

((35))) (35) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

((34)) (36) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

((32)) (37) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

((33)) (38) "Navigability or navigable" means that a body of water is capable of or susceptible to ((or)) having been or being used for the transport of useful commerce. The state of Washington considers ((all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court)) navigable waters to be all tidal waters; and those nontidal waters found navigable by the courts, bounded by meander lines (unless appropriately adjudicated as non-navigable by the courts), or for which there is evidence of capability or susceptibility of use for commerce.

((34)) (39) "Navigation" means the movement of vessels to and from piers and wharves.

(40) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.—).

((35)) (41) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

((36)) (42) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

((37)) (43) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(44) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

(45) "Port district" means a port district created under Title 53 RCW (RCW 79.90.—).

((38)) (46) "Public benefit((, public interest and state-wide interest))" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; ((food, fiber,)) energy and mineral production; ((revenue,)) utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and ((public recreation and education. All of which are of equal importance)) encouraging direct public use and access; ((and)) generating revenue in a manner consistent with RCW 79.90.—.

(47) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

(48) "Public interest" means ... [reserved]

((39)) (49) "Public place" means a part of a harbor area set aside for public access through the harbor area to the bed of navigable waters.

((40)) (50) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

((41)) (51) "Public trust" means that certain state owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

((42)) (52) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

((43)) (53) "Public use beach((=general))" means a state-owned beach ((identified)) available for free public use ((generally associated with some upland development)) but which may be leased for other compatible uses.

((44)) "Public use beach-wilderness" means a state-owned beach not associated with upland development or if there is any development there is a significant physical barrier between the beach and that development.)

(54) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.—).

(55) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.—).

((45)) (56) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

((46)) (57) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

((47)) (58) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

((48)) (59) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

((49)) (60) "Second class shorelands" means ((lands bordering on)) the shores of a navigable ((river or)) lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city ((or town)) (RCW ((79.01.032)) 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

((50)) (61) "Second class tidelands" means the ((area)) shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of ((an incorporated)) any city ((or town extending from)) and between the line of ordinary high tide ((line to)) and the line of extreme low tide (RCW ((79.01.024)) 79.90.035). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

((51)) (62) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(63) "State-owned aquatic lands" means the same as aquatic lands under subsection (4) of this section.

(64) "State-wide interest" means ... [reserved]

((52)) (65) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(66) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.—).

((53)) (67) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

((54)) "Waterways" means an area platted across harbor areas providing for access to open water.

(55) "Water dependent" means all uses that cannot logically exist in any other location but on the water. See WAC 332-30-115 (1), (3), and 332-130-121 (1)(a).

(56) "Water oriented" means all uses for which a location on or near the water front facilitates their operation. However it is possible for these activities with existing technology to locate away from the waterfront. See WAC 332-30-115(2) and 332-30-121 (1)(b).

(57) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.)

(68) "Town" means a municipal corporation of the fourth class having no less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

(69) "Water-dependent use" means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and

launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.\_\_\_\_).

(70) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

(71) "Water-oriented use" means a use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats (RCW 79.90.\_\_\_\_).

(72) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

(73) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 332-30-114 MANAGEMENT AGREEMENTS WITH PORT DISTRICTS.** By mutual, formal, written agreement the department may authorize a port district to manage some or all of those aquatic lands within the port district meeting the criteria stated in subsection (2) of this section. The port district shall adhere to the aquatic land management laws and policies of the state as specified in chapters 79.90 through 79.96 RCW. Port district management of state aquatic lands shall be consistent with all department regulations contained in chapter 332-30 WAC. These requirements shall govern the port's management of state aquatic lands. The administrative procedures used to carry out these responsibilities shall be those provided for port districts under Title 53 RCW.

(1) Phrases used in legislation (RCW 79.\_\_\_\_\_) providing for management agreements with ports shall have the following interpretation:

(a) "Administrative procedures" means the day to day or routine methods of conducting business by the port district and its port commission;

(b) "Aquatic lands abutting" means a parcel of state-owned aquatic land which shares a common or coincident boundary with an upland parcel;

(c) "Diligently pursued" means such steady and earnest effort by the port district and the department which results in the resolution of any deficiencies preventing the issuance of a management agreement to the port;

(d) "Leasehold interest" means the benefits and obligations of both the lessor and lessee resulting from a lease agreement;

(e) "Model management agreement" means a document approved by the board of natural resources providing the basic format and language to be used for all individual management agreements with port districts;

(f) "Operating management" means the planning, organizing, staffing, coordinating, and controlling for all activities occurring on a property;

(g) "Otherwise managed" means having operating management for a property;

(h) "Revenue attributable" means all rentals, fees, royalties, and/or other payments generated from the use of a property; or the most likely amount of money due for the use of a property as determined by procedures in chapter 332-30 WAC, whichever is greater;

(i) "Used in conjunction with and contiguous to" means that a parcel of aquatic land and a parcel of upland support a common use and are so situated as to not require the utilization of any other parcels to support the common use.

(2) State-owned parcels of aquatic lands, including those under lease or which may come under lease to a port, abutting port district uplands may be included in a management agreement if all of the following criteria are met:

(a) The use of the aquatic land and upland must be one authorized for port districts as cited in Title 53 RCW and which does not conflict with the allowable uses of aquatic lands under Title 79 RCW and chapter 332-30 WAC;

(b) The aquatic lands are used in conjunction with and contiguous to uplands managed by the port district;

(c) The size and shape of the upland parcel must constitute a manageable unit in that it is a significant portion of the total area needed for the specific use;

(d) There is documentation of ownership, a lease in good standing, or agreement for operating management in the name of the port district for the upland parcel; and

(e) The properties are included in a plan of development adopted by the port commissioners, as required under RCW 53.20.010, which is consistent with appropriate state and local plans for the specific properties.

(3) A model management agreement shall be developed by the department and representatives of the port industry. Review, modification, approval, and any subsequent amendment shall be done by the board of natural resources. The model management agreement shall include the following categories and discussions:

(a) Administrative rules. Citation of the adoption of rules by the port district for rent review; and identification as to either direct use of chapter 332-30 WAC or existing formal procedures already adopted by the port commission for other procedures;

(b) Amendment process. Description of conditions under which changes to the model agreement will be made. Statement that such changes shall apply upon adoption to all existing management agreements with ports. Description of conditions under which changes to a specific management agreement with a port will be made; especially the addition or deletion of parcels;

(c) Audits or periodic review. Provision for review of management results between the department and the port district; and provision for department review at any reasonable time of all records of the port district associated with management of state-owned parcels;

(d) Cancellation/revocation. Listing of conditions for cancellation of the model agreement and revocation of authorities such as statutory changes and judicial challenges;

(e) Description of property. Directions that a legal description, capable of being surveyed, for each aquatic parcel be included in the agreement. The descriptions must allow the department to locate each parcel on its official maps. Every agreement shall include a map exhibit depicting the parcels of the agreement;

(f) Disputes—Resolution. Method for resolving conflicts in initial wording of specific agreement; and in future compliance;

(g) Improvements. A series of provisions addressing: Description and value of existing improvements on aquatic parcels and any ownership interests of the state; maintenance; conformance to development plans; and state approval to be obtained for any inclusion of state property in a local improvement district (LID) or similar assessment district;

(h) Insurance. Requirements that port district make suitable arrangements to be able to correct any damage that may occur from an authorized use on state property;

(i) Leasing. Provisions for leasing state property by port districts to other users;

(j) Liability. Provision that port district is liable for operations on agreement parcels and shall hold the department harmless for such operation;

(k) Planning. Provisions that port districts are required to have a current plan of development and that individual agreements shall cite the plan or plans by title and date that apply to the parcels of the agreement;

(l) Records. Requirements relating to the extent of records needed to allow the department to ensure compliance with aquatic land laws, department WAC's and the management agreement;

(m) Removal of materials. Provisions for the removal of materials from state aquatic lands as to purpose, approval by state, and location of placement of materials;

(n) Rent. Provision that port district shall charge rent based on application of the directions provided by chapter 332-30 WAC whenever it leases or otherwise permits any person to use state aquatic lands. Provisions relating to continuation of rentals during application for management agreements and back payments of agreements not issued;

(o) Reservations. Identification of items or actions not to be included in the agreement such as mineral rights, issuance of easements, the sale or exchange of properties, and any other authority not specifically delegated;

(p) Signatures. Statement that individual management agreements with a port district shall be signed by all port commissioners for the district and by the supervisor of the department;

(q) Term. Statement that management agreements shall continue indefinitely unless cancelled or revoked;

(r) Use. Requirement that the use or uses of each parcel of state aquatic lands be cited and made part of the agreement.

(4) Processing requests. The following application requirements, review procedures, and time frame for responses involved in the issuance of a management agreement to a port district shall apply:

(a) Application requirements. The following items must be submitted to the department by the port district in order for its request to be an application for a management agreement:

(i) A copy of a resolution of the port commission that directs the port district to seek a management agreement;

(ii) An exhibit showing the location of and a legal description for each parcel of state land to be included in the agreement; plus sufficient information on abutting port parcels to satisfy the requirements of subsection (2) (b) through (e) of this section;

(iii) A copy of, or excerpts from, the port's adopted plan of development for the requested parcels;

(iv) A written discussion or outline addressing how the parcels will be managed to contribute to the elements of public benefit;

(v) A proposed draft of a management agreement based on the model management agreement;

(vi) The name, address, and phone number of the person or persons that should be contacted if the department has any questions about the application.

(b) Review of application. The department shall review applications for:

(i) Inclusion of all items listed in (a) of this subsection;

(ii) Consistency of proposed uses of parcels with state plans;

(iii) Consistency of proposed uses of parcels with applicable local plans of the city and county.

(c) Time frames for responses:

(i) Within thirty days of receipt of an application, the department shall notify the port district if its application is complete;

(ii) Within thirty days of receipt of notification by the department of any incompleteness in their application, the port district shall submit the necessary information;

(iii) Within ninety days of receipt of notification by the department that the application is complete, the port district and department shall take all steps necessary to resolve any differences and enter into an agreement. Any unresolved items remaining at the end of ninety days shall be resolved under the provisions of the model management agreement.

## NEW SECTION

### WAC 332-30-122 AQUATIC LAND USE AUTHORIZATION. (1) General requirements.

(a) In addition to other requirements of law, aquatic land activities that interfere with the use by the general public of an area will require authorization from the department by way of agreement, lease, permit, or other instrument.

(i) Suitable instruments shall be required for all structures on aquatic lands except for those federal structures serving the needs of navigation.

(ii) The beds of navigable waters may be leased to the owner or lessee of the abutting tideland or shoreland. This preference lease right is limited to the area between the landward boundary of the beds and the -3 fathom contour, or 200 feet waterward, whichever is closer to shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public.

(iii) When proposing to lease aquatic lands to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area. When not adverse to the public's ownership, the abutting owner's water access needs may be reasonably accommodated.

(b) Determination of the area required in any authorization instrument shall be made by the department based on the impact to public use and subsequent management of any remaining unencumbered public land.

(i) Generally, the area for fixed structures will be the length of the structure(s) on public land plus normal moorage times the maximum width of the structure(s) on public land plus normal moorage except where limitations of private property ownership exist. Fairways and open water areas bounded by structures or if necessary for the use of the lessee shall be part of the lease area.

(ii) Generally, the area for individual mooring buoys will be a circle with a radius equal to the expected swing of the vessel or object moored. Only the area encumbered at any given point in time shall be used to calculate any rentals due.

(iii) Generally, the maximum width for easements will be ten feet greater than the overall width of the structure or structures to be placed in the right-of-way.

(c) All necessary federal, state and local permits shall be acquired by those proposing to use aquatic lands. Copies of permits must be furnished to the department prior to authorizing the use of aquatic lands. When evidence of interest in aquatic land is necessary for application for a permit, an authorization instrument may be issued prior to permit approval but conditioned on receiving the permit.

(2) Application review. In addition to overall management considerations described in this chapter, the following special analysis shall be given to specific proposed uses:

(a) Environment.

(i) Authorization instruments shall be written to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted to minimize environmental degradation or the interruption of natural biological or geological processes.

(ii) Proposed uses of aquatic lands and abutting department managed uplands may be authorized with appropriate provision to ensure that minimum changes occur within channel areas.

(iii) Water-dependent uses which cause adverse environmental impacts may be authorized on aquatic lands only if provisions are included to insure against substantial or irreversible damage to the environment.

(iv) Nonwater-dependent uses which have significant adverse environmental impacts shall not be authorized.

(b) Public use and access.

(i) Wherever practical, authorization instruments for use of aquatic lands shall be written to provide for public access to the water.

(ii) Areas allocated by the department for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or other operator without a fee being charged by the department.

(iii) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(c) Authorization to use aquatic lands shall not be granted to any person or organization which discriminates on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

(d) Authorization instruments for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irreversible damage to the environment and there is no practical upland alternative.

(3) Rents and fees.

(a) When proposed uses of aquatic lands requiring a lease (other than in harbor areas) have an identifiable but acceptable adverse impact on department managed land, both within and outside the leased area, the value of that loss or impact shall be charged to the lessee in addition to normal rental (see WAC 332-30-128).

(b) Normal rentals shall be calculated based on the classification of the aquatic land use(s) occurring on the property. Methods for each class of use are described in specific WAC sections.

(c) Advance payments for two or more years may be collected in those situations where annual payments are less than document preparation and administration costs.

(d) Rentals for leases will normally be billed annually, in advance. If requested by a lessee in good standing, billings will be made:

(i) Quarterly on a prorated basis when annual rental exceeds four thousand dollars; or

(ii) Monthly on a prorated basis when annual rental exceeds twelve thousand dollars.

(e) A one percent per month charge shall be made on any amounts which are more than thirty days past due, unless those amounts are appealed under the procedure set forth in WAC 332-30-129. Users of aquatic properties shall not be considered in good standing when they have amounts more than thirty days past due.

(4) Structures and improvements on aquatic lands.

(a) Authorization for placing structures and improvements on public aquatic lands shall be based on the intended use, impact on department management programs, and the affect on navigational rights of public and private aquatic land owners. Structures and improvements shall:

(i) Conform to the laws and regulations of any public authority;

(ii) Be kept in good condition and repair by the authorized user of the aquatic lands;

(iii) Not be, nor become, a hazard to navigation;

(iv) Be removed by the authorized user as stipulated in the authorization instrument.

(b) In addition to land rentals and fees, rent shall be charged for use of those structures and improvements:

(i) Owned by the department, under contract to the department for management; or that become state property under RCW 79.94.320;

(ii) As may be agreed upon as part of the authorization document;

(iii) Installed on an authorized area without written concurrence of the department; or

(iv) Not covered by an application for use of aquatic lands, or a lawsuit challenging such requirements, within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(c) Only land rental and fees shall be charged for public aquatic lands occupied by those structures and improvements that are:

(i) Authorized in writing by the department;

(ii) Installed prior to June 1, 1971 (effective date of the Shoreline Management Act) on an area authorized for use from the department; or

(iii) Covered by an application for use of aquatic lands within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(5) Insurance, bonds, and other security.

(a) The department may require authorized users of aquatic lands to carry insurance, bonding, or provide other forms of security as may be appropriate for the use or uses occurring on public property, in order to ensure its sustained utility and future value to the citizens of the state.

(b) Proof of coverage shall be acceptable to the department if provided by any of the following:

(i) Insurance and/or bonding companies licensed by the state;

(ii) Recognized insurance or bonding agent for the authorized user;

(iii) Saving account assignment from authorized user to department; or

(iv) Cash deposit.

(c) The amount of security required of each user shall be determined by the department and adjusted periodically as needed.

(i) Any portion of the required security relating to payment of rent or fees shall be limited to an amount not exceeding two year's rental or fees.

(ii) Required security related to other terms of the agreement shall be based on the estimated cost to the department of enforcing compliance with those terms.

(iii) Cash deposits shall not be required in an amount exceeding one-twelfth of the annual rental or fees. If this amount is less than the total required security, the remainder shall be provided through other forms listed in (b) of this subsection.

(d) Security must be provided on a continual basis for the life of the agreement. Security arrangements for less than the life of the agreement shall be accepted as long as those arrangements are kept in force through a series of renewals or extensions.

## NEW SECTION

**WAC 332-30-123 AQUATIC LAND USE RENTALS FOR WATER-DEPENDENT USES.** The annual rental for water-dependent use leases of state-owned aquatic land shall be: The per unit assessed value of the upland tax parcel, exclusive of improvements, multiplied by the units of lease area multiplied by thirty percent multiplied by the real rate of return. Expressed as a formula, it is:  $UV \times LA \times .30 \times r = AR$ . Each of the letter variables in this formula have specific criteria for their use as described below. This step by step presentation covers the typical situations within each section first, followed by alternatives for more unique situations.

(1) Overall considerations.

(a) Criteria for use of formula. The formula:

(i) Shall be applied to all leases having structural uses that require a physical interface with upland property when a water-dependent use occurs on such uplands (in conjunction with the water-dependent use on the aquatic lands);

(ii) Shall be used for remote moorage leases by selecting an upland parcel as detailed in subsection (2) of this section;

(iii) Shall not be used for areas of filled state-owned aquatic lands having upland characteristics where the department can charge rent for such fills (see WAC 332-30-125), renewable and nonrenewable resource uses (see WAC 332-30-126), or areas meeting criteria for public use (see WAC 332-30-130); and

(iv) Shall cease being used for leases intended for water-dependent uses when the lease area is not actively developed for such purposes as specified in the lease contract.

(b) Criteria for applicability to leases. The formula shall be used to calculate rentals for:

(i) All new leases and all pending applications to lease or re-lease as of October 1, 1984;

(ii) All existing leases, if the language of the lease does not preclude the calculation of total rental by any method in effect at the time of rental adjustment. Annual rental shall be determined by the formula from the first date that a change in rent is scheduled after September 30, 1984. If the lease has been affected by previously legislated rental increase limits, the formula will apply from the first lease anniversary date after September 30, 1984. All other conditions of the lease shall continue until termination or amendment as specified by the lease contract; and

(iii) Any lease not covered under (b)(i) or (ii) of this subsection, when requested by the lessee. The department shall notify the holders of leases not covered under (b) (i) or (ii) of this subsection that they may elect to have their rent determined by the formula. Both the lease contract rent and formula rent shall be provided to the lessee by the department. This change in their current lease language and rent shall only occur if the lessee agrees in writing to have the lease amended to include all current lease provisions as governed by the relevant provisions of the aquatic land laws and department WACs in existence at the time the request is made. Any approved change in language and rent shall become effective on the first lease anniversary following the receipt of the lessee's request.

(2) Criteria for selection of upland tax parcels. The tax parcel selected for use in the formula shall be waterfront and have some portion with upland characteristics.

(a) The parcel must be used in conjunction with and be supportive of the activities on the lease area. The priority for selection shall be the parcel (i) that is structurally connected with the lease area. If no parcels are so connected then, the parcel (ii) that physically abuts the lease area. If private aquatic land parcels that either connect with or abut the lease area are without any upland characteristics then the selection shall be the closest upland parcel abutting the private aquatic land parcel that is connected to or abuts the lease area. If no parcels can be so selected, then the parcel (iii) that is the shortest distance from the midpoint of the lease area to upland. This will typically be the case for remote moorage leases that are circular in shape.

(b) Only if more than one upland parcel meets the criteria within the selection priority, then each parcel will be used for its portion of the lease area. If there is mutual agreement between the department and the lessee, a single parcel may be used for the entire lease area. When the unit value of the parcels are equal, only one parcel shall be used for the lease area.

(c) The unit value of the upland parcel shall be expressed in terms of dollars per square foot or dollars per acre, by dividing the assessed value of the parcel by the number of square feet or acres in the parcel. This procedure shall be used in all cases even if the value attributable to the upland was assessed using some other unit of value, e.g., front footage, or lot value. Only the "land value" category of the assessment record shall be used; not any assessment record category related to improvements.

(3) Consistent assessment. In addition to the parcel selection criteria in subsection (2) of this section, the parcel and its value must be consistent with the purposes of the lease and method of rental establishment. On this basis, the following situations will be considered inconsistent and shall require adjustment as specified or selection of an alternative parcel under subsection (4) of this section:

(a) The parcel is not assessed. (See chapter 84.36 RCW Exemptions);

(b) Date of assessment is more than four years old. (See RCW 84.41.030);

(c) The "assessment" results from a special tax classification not reflecting fair market value. Examples include classifications under: State-regulated utilities (chapter 84.12 RCW), reforestation lands (chapter 84.28 RCW), timber and forest lands (chapter 84.33 RCW), and open space (chapter 84.34 RCW). This inconsistency may be corrected by substituting the full value for the parcel if such value is part of the assessment records;

(d) The assessment for the parcel is the subject of an appeal that is a matter of record before any county or state agency authorized to hear assessment appeals;

(e) The majority of the upland parcel area is not used for a water-dependent purpose. This inconsistency may be corrected by using the

value and area of the portion of the parcel that is used for water-dependent purposes if this portion can be segregated from the assessment records; and

(f) The size of the parcel in acres or square feet is not known or its small size results in a nominal valuation, e.g., unbuildable lot.

(4) Selection of the nearest comparable upland parcel. When the selected upland parcel has an inconsistent assessment that can't be corrected from the assessment records, an alternative parcel shall be selected which meets the criteria. The nearest upland parcel shall be determined by measurement along the shoreline from the inconsistent parcel.

(a) The alternative parcel shall be located by order of selection priority:

(i) Within the same city as the lease area, and if not applicable or found;

(ii) Within the same county and water body as the lease area, and if not found;

(iii) Within the same county on similar bodies of water, and if not found;

(iv) Within the state.

(b) Within each locational priority of (a) of this subsection, the priority for a comparable parcel shall be:

(i) The same use class within the water-dependent category as the lease area use;

(ii) Any water-dependent use within the same upland zoning;

(iii) Any water-dependent use; and

(iv) Any water-oriented use.

(5) Aquatic land lease area. The area under lease shall be expressed in square feet or acres.

(a) Where more than one use class separately exist on a lease area, the formula shall only be applied to the water-dependent use area. Other use areas of the lease shall be treated according to the regulations for the specific use.

(b) If a water-dependent and a nonwater-dependent use exist on the same portion of the lease, the rent for such portion shall be negotiated taking into account the proportion of the improvements each use occupies.

(6) Real rate of return.

(a) Until July 1, 1989, the real rate of return to be used in the formula shall be five percent.

(b) On July 1, 1989, and on each July 1 thereafter the department shall calculate the real rate of return for that fiscal year under the following limitations:

(i) It shall not change by more than one percentage point from the rate in effect for the previous fiscal year; and

(ii) It shall not be greater than seven percent nor less than three percent.

(7) Annual inflation adjustment of rent. The department shall calculate the inflation rate to be used each fiscal year and shall publish it in the Washington State Register. Adjustment to the annual rent of a lease shall occur on the anniversary date of the lease except when the rent is redetermined under subsection (9) of this section. The inflation adjustment each year is the inflation rate times the previous year's rent except in cases of stairstepping.

(8) Stairstepping rental changes.

(a) Initial increases for leases in effect on October 1, 1984. If the application of the formula results in an increase of more than one hundred dollars and more than thirty-three percent, stairstepping of the rent over the first three years shall occur according to the following formulas:

(i) The rent for the first year (RFY) is the previous year's rent (PR) plus thirty-three percent of the difference between the formula rent (FR) and the previous year's rent.  $RFY = PR + .33(FR - PR)$ ;

(ii) The rent for the second year (RSY) is the rent for the first year plus thirty-three percent of the difference between the inflation adjusted (IA) formula rent and the previous year's rent.  $RSY = RFY + .33((IA + FR) - PR)$ ;

(iii) The rent for the third year (RTY) is the rent for the second year plus thirty-three percent of the difference between the second inflation adjusted formula rent and the previous year's rent.  $RTY = RSY + .33((IA + (IA + FR)) - PR)$ ; and

(iv) The rent for the fourth year is the formula rent plus the third inflation adjustment.

(b) Initial decreases for leases in effect on October 1, 1984. If the application of the formula results in a decrease of more than thirty-three percent, stairstepping of the rent over the first three years shall occur according to the following formulas:

(i) The rent for the first year is the previous rent minus thirty-three percent of the difference between the previous year's rent and the formula rent.  $RFY = PR - .33(PR - FR)$ ;

(ii) The rent for the second year is the rent for the first year minus thirty-three percent of the difference between the previous year's rent and the first inflation adjusted formula rent.  $RSY = RFY - .33(PR - (IA + FR))$ ;

(iii) The rent for the third year is the rent for the second year minus thirty-three percent of the difference between the previous year's rent and the second inflation adjusted formula rent.  $RTY = RSY - .33(PR - (IA + (IA + FR)))$ ; and

(iv) The rent for the fourth year is the formula rent plus the third inflation adjustment.

(c) If a lease in effect on October 1, 1984, contains more than one water-dependent or water-oriented use and the rental calculations for each such use (e.g., log booming and log storage) result in different rentals per unit of lease area, the total of the rents for those portions of the lease area shall be used to determine if the stairstepping provisions of (a) or (b) of this subsection apply to the lease.

(d) If a lease in effect on October 1, 1984, contains a nonwater-dependent use in addition to a water-dependent or oriented use, the stairstepping provisions of (a) or (b) of this subsection:

(i) Shall apply to the water-dependent use area if it exists separately (see subsection (5)(a) of this section);

(ii) Shall not apply to any portion of the lease area jointly occupied by a water-dependent and nonwater-dependent use (see subsection (5)(b) of this section).

(e) Subsequent increases. After completion of any initial stairstepping under (a) and (b) of this subsection due to the first application of the formula, the rent for any lease or portion thereof calculated by the formula shall not increase by more than fifty percent per unit area from the previous year's per unit area rent.

(9) The annual rental shall be redetermined by the formula every four years or as provided by the existing lease language.

(10) Administrative reviews. See WAC 332-30-129.

#### AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-125 AQUATIC LAND USE RENTAL RATES FOR NONWATER-DEPENDENT USES. (1) The value of ((department managed tidelands, shorelands, harbor areas, and beds of navigable waters)) state-owned aquatic lands withdrawn from general public use for ((limited public or)) private nonwater-dependent use shall be recognized by charging lessees the full fair market rental. No rent shall be charged for improvements, including fills, on aquatic lands unless owned by the state. The fair market rental is based on: (a) Comparable non-DNR market rents, whether based on land value exclusive of improvements, a percent of gross revenues, or other appropriate basis, or if not available (b) ((on)) the full market value (same as true and fair value) multiplied by the use rate percentage as ((approved by the commissioner of public lands. In addition to fair market rental fee for the land utilized, a charge (royalty) may be made for units of resource removed and/or a resource withdrawal fee (see WAC 332-30-125(7)))) determined under subsection (2) of this section and published in the Washington State Register.

(2) Use rate percentage.

(a) The percentage rate will be based on nondepartmental market rental rates of return for comparable ((aquatic)) properties leased on comparable terms in the locality, or when such do not exist;

(b) The percentage rate of return shall be ((equivalent to)) based on the average rate charged by lending institutions in the area for long term (or term equivalent to the length of the lease) mortgages for comparable uses of ((the)) real property.

(3) Appraisals: The determination of fair market value ((of aquatic lands)) shall be based on the indications of value resulting from the application of as many of the following techniques as are appropriate for the use to be authorized:

(a) Shore contribution((s)); utilizing differences in value between waterfront properties and comparable nonwaterfront properties((--)). Generally best for related land-water uses which are independent of each other ((e.g. recreational docks)) or not needed for the upland use to exist.

(b) Comparable upland use (substitution)(( )); utilizing capacity, development, operation, and maintenance ratios between a use on upland and similar use on aquatic land with such ratios being applied to upland value to provide indication of aquatic land value for such use((=)). Generally best for aquatic land uses which are totally independent

of adjacent upland yet may also occur on upland totally independent of direct contact with water((, e.g. log storage)).

(c) Extension((,)); utilizing adjacent upland value necessary for total use as the value of aquatic lands needed for use on a unit for unit basis((,=)). Generally best for aquatic land uses which are integrated with and inseparable from adjacent upland use((, e.g. industrial shipping pier)).

(d) Market data((,)); utilizing verified transactions between knowledgeable buyers and sellers of comparable properties((,=)). Generally best for tidelands or shorelands where sufficient data exists between knowledgeable buyers and sellers.

(e) Income((,)); utilizing residual net income of a commercial venture as the indication of investment return to the aquatic land((,=)). This can be expressed either as a land rent per acre or as a percent of gross revenues. Generally best for income producing uses where it can be shown that an owner or manager of the operation is motivated to produce profit while recognizing the need to obtain returns ((and)) on all factors of production.

((f) Such other techniques or procedures as may be needed to equitably)) (4) Negotiation of rental amounts may occur when necessary to address the uniqueness of a particular site or use ((so long as such techniques or procedures are based on valuation principles described in accredited appraisal textbooks, or conform to techniques or procedures used by the state board of tax appeals, or as negotiated as result of a significant difference in value as demonstrated by user's appraiser)).

((4) Fair market)) (5) Rental ((on tidelands, shorelands and beds may be reduced depending on the amount of area which the public may be allowed to use. Total withdrawal for private use requires full fair market rental value)) shall always be more than the amount that would be charged if the aquatic land parcel was used for water-dependent purposes.

((5) Rental adjustments:)) (6) Reappraisals and annual inflation. (a) Rentals of leases shall be subject to ((adjustment)) reappraisal at the end of every fourth year (or as presently stated in existing leases) of the lease term. ((Such adjustment shall use the same change in total assessed land values, during the four-year period (newly issued leases) of the tax area code(s) in which the lease area occurs, as reported by the county assessor's office, to adjust the lease area value. Adjustment of the rental shall be the adjusted lease area value times the aquatic land lease percentage rate (WAC 332-30-125(2)) in effect at the time of adjustment. Rentals shall be adjusted every twelfth year (newly issued leases) based on an appraisal of the fair market value of the lease area at the time of adjustment.

(b) If the adjusted rental exceeds an increase of fifty percent over the previous rental, the annual rental shall be stair-stepped in increments of fifty percent over the each preceding year's rental until the full adjusted rental is achieved. In the event that the full adjusted rental is not achieved prior to the next adjustment date, the annual rental (under a four-year adjustment) shall be thirty percent of the adjusted rental for the first year, forty-five percent for the second year, sixty-seven percent for the third year, and one hundred percent of the adjusted rental for the fourth year.

(6) Rental of public access and use areas:

(a) Reduction in rental shall be allowed for the actual area within the lease that meets public access and use requirements.

(b) The amount of reduction shall be the percentage of the public access and use area to the total leased area.

(7) Resource withdrawal:

(a) Where federal, state, and local regulatory agencies grant permit approval to persons or corporations to install and operate waste outfalls or other activities or structures on aquatic lands, the department, if in agreement, will require a lease for use of the lands involved.

(b) The annual rental will be based upon the fair market value of the land used plus the actual values of quantifiable public resource elements being withdrawn. The size of the area withdrawn will vary with the type and volume of waste, type of treatment, type of outfall installation, or size and impact to other activity or structure and local conditions and extent of impacted natural resources. The value of resource withdrawn will depend on the size of the area and the number and identifiable economic value of natural resources affected.

(c) Future changes in volume of waste discharged and type of treatment or alteration in the structure or activity will be reflected in adjustment of annual rental.

(8) Leases for experimental production of renewable resources or energy on second-class tidelands, shorelands or beds may be issued at rates of no less than fifty percent of fair market rental for no more

than five years. At that time or earlier when the department determines the activity is economically viable, full fair market rental and if appropriate royalties will be charged)) (b) For all new leases and where permitted by the language of existing leases, the annual rental may be adjusted on its anniversary date by the inflation rate each year in which the rental is not determined by reappraisal. The inflation adjustment each year is the inflation rate multiplied by the previous year's rent. This adjustment shall not apply to that portion of the lease rental determined from a percentage of gross revenues.

(7) Administrative reviews. See WAC 332-30-129.

#### AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-145 BOOMING, RAFTING AND STORAGE OF LOGS. (1) Unless specifically exempted in writing, all log dumps located on aquatic lands, or operated in direct association with booming grounds on aquatic land, must provide facilities for lowering logs into the water without tumbling, which loosens the bark. Free rolling of logs is not permitted.

(2) Provision must be made to securely retain all logs, chunks, and trimmings and other wood or bark particles of significant size within the leased area. Lessee will be responsible for regular cleanup and upland disposal sufficient to prevent excessive accumulation of any debris on the leased area.

(3) Unless permitted in writing, aquatic land leased for booming and rafting shall not be used for holding flat rafts except:

- (a) Loads of logs averaging over 24" diameter.
- (b) Raft assembly, disassembly and log sort areas.

(4) Unless permitted in writing, grounding of logs or rafts is not allowed on tidelands leased for booming and rafting. However, tidelands which were leased for booming and rafting prior to January 1, 1980, are exempt from this provision.

(5) No log raft shall remain on aquatic land for more than one year, unless specifically authorized in writing.

(6) For leases granted to serve the general needs of an area such as an island, the leased area shall be made available to others for booming and rafting and at a reasonable charge.

(7) Areas within a lease boundary meeting the definition of log booming are water-dependent uses. The rent for these areas will be calculated according to WAC 332-30-123.

(8) Areas leased for log storage shall have the rent calculated by applying a state-wide base unit rent per acre. Temporary holding of logs alongside a vessel for the purpose of loading onto the vessel is neither booming nor storage.

(9) The base unit rent, application to existing leases, and subsequent annual rents will be determined as provided for water-dependent uses under WAC 332-30-123 except for the following modifications:

(a) A formula rental calculation will be made for each such area leased as of July 1, 1984, as though the formula applied on July 1, 1984.

(b) The assessment for an upland parcel shall not be used when the following situations exist:

- (i) The parcel is not assessed.
- (ii) The size of the parcel in acres or square feet is not known.
- (c) When necessary to select an alternative upland parcel, the nearest assessed waterfront parcel shall be used if not excluded by the criteria under (b) of this subsection.

(d) Because of the large size and shape of many log storage areas, there may be more than one upland parcel that could be used in the formula. The department shall treat such multiple parcel situations by using:

(i) The per unit value of each upland parcel applied to its portion of the lease area. If it is not possible or feasible to delineate all portions of the lease area by extending the boundaries of the upland parcel, then;

(ii) The total of the assessed value of all the upland parcels divided by the total acres of all the upland parcels shall be the per unit value applied in the formula.

(e) The total formula rents divided by the total acres under lease for log storage equals the annual base unit rent for fiscal year 1985-1989. That figure is \$ \_\_\_\_\_ per acre.

(f) For purposes of calculating stairstepping of rentals allowed under WAC 332-30-123, the base unit rent multiplied by the number of acres shall be the formula rent. In cases of mixed uses, the log storage formula rent shall be added to the formula rent determinations for the other uses under leases before applying the criteria for stairstepping.

(g) Inflation adjustments to the base rent shall begin on July 1, 1990.

(10) On July 1, 1989, and each four years thereafter, the department shall establish a new base unit rent.

(a) The new base rent will be the previous base rent multiplied by the result of dividing the average water-dependent lease rate per acre for the prior fiscal year by the average water-dependent lease rate per acre for the fiscal year in which the base unit rent was last established. For example, the formula for the base unit rent for fiscal year 1990 would be:

(FY89 AWLR)

(b) When necessary to calculate the average water-dependent lease rate per acre for a fiscal year, it shall be done on or near July 1. The total formula rent plus inflation adjustments divided by the total acres of water-dependent uses affected by the formula during the prior fiscal year shall be the prior fiscal year's average.

(11) If portions of a log storage lease area are open and accessible to the general public, no rent shall be charged for such areas provided that:

(a) The area meets the public use requirements under WAC 332-30-130(9);

(b) Such areas are in a public use status for a continuous period of three months or longer during each year;

(c) The lease includes language addressing public use availability or is amended to include such language;

(d) The department approves the lessee's operations plan for public use, including safety precautions;

(e) Changes in the amount of area and/or length of time for public use availability shall only be made at the time of rental adjustment to the lease; and

(f) Annual rental for such areas will be prorated by month and charged for each month or part of a month not available to the general public.

(12) Administrative reviews. See WAC 332-30-129.

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

**WAC 332-30-124 AQUATIC LAND USE  
AUTHORIZATION.**

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

**AMD** = Amendment of existing section

**NEW** = New section not previously codified

**OBJEC** = Notice of objection by Joint Administrative Rules Review Committee

**REP** = Repeal of existing section

**READOPT** = Readoption of existing section

**REAFF** = Order assuming and reaffirming rules

**RESCIND** = Rescind previous emergency rule

**REVIEW** = Review of previously adopted rule

**STMT** = Statement regarding previously adopted rule

**Suffixes:**

**-P** = Proposed action

**-C** = Continuance of previous proposal

**-E** = Emergency action

**-W** = Withdrawal of proposed action

No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**WAC #** shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-54-012	REP-P	84-12-083	16-212-084	NEW-W	84-14-029
16-54-014	REP-P	84-12-083	16-212-084	AMD-E	84-14-033
16-54-016	AMD-P	84-12-083	16-212-086	NEW-P	84-11-089
16-54-082	AMD-P	84-12-083	16-212-086	NEW	84-14-065
16-86-005	AMD-P	84-04-083	16-212-087	NEW-E	84-10-037
16-86-005	AMD	84-08-037	16-212-090	REP-P	84-11-089
16-86-006	REP-P	84-04-083	16-212-090	REP	84-14-065
16-86-006	REP	84-08-037	16-212-120	AMD-P	84-11-089
16-86-007	REP-P	84-04-083	16-212-120	AMD	84-14-065
16-86-007	REP	84-08-037	16-213-200	NEW-P	84-03-045
16-86-009	REP-P	84-04-083	16-213-200	NEW	84-06-036
16-86-009	REP	84-08-037	16-213-210	NEW-P	84-03-045
16-86-011	REP-P	84-04-083	16-213-210	NEW	84-06-036
16-86-011	REP	84-08-037	16-213-220	NEW-P	84-03-045
16-86-012	REP-P	84-04-083	16-213-220	NEW	84-06-036
16-86-012	REP	84-08-037	16-213-230	NEW-P	84-03-045
16-86-015	AMD-P	84-04-083	16-213-230	NEW	84-06-036
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16-86-095	AMD-P	84-04-083	16-224-010	AMD	84-10-021
16-86-095	AMD	84-08-037	16-224-030	AMD-P	84-06-058
16-101-710	REP-P	84-15-054	16-224-030	AMD-C	84-09-069
16-108-001	REP-P	84-08-066	16-224-030	AMD	84-10-021
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16-108-002	REP-P	84-08-066	16-228-010	AMD	84-09-011
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16-108-010	AMD	84-11-019	16-228-130	AMD-P	84-05-014
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16-230-100	REP-P	84-05-065	16-470-130	NEW-P	84-06-054
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16-316-0601	AMD-P	84-10-078	36-08-590	AMD-P	84-13-051
16-316-0601	AMD	84-13-041	36-12-010	AMD-P	84-13-051
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16-319-041	AMD-P	84-10-077	67-35-055	AMD-P	84-06-055
16-319-041	AMD	84-13-079	67-35-055	AMD	84-09-048
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137-28-030	NEW-P	84-14-076	137-70-050	AMD	84-11-033
137-28-030	NEW-E	84-15-041	137-70-055	NEW-P	84-08-060
137-28-031	NEW-P	84-14-076	137-70-055	NEW	84-11-033
137-28-031	NEW-E	84-15-041	137-70-057	NEW-P	84-08-060
137-28-032	NEW-P	84-14-076	137-70-057	NEW	84-11-033
137-28-032	NEW-E	84-15-041	137-70-060	AMD-P	84-08-060
137-28-035	NEW-P	84-14-076	137-70-060	AMD	84-11-033
137-28-035	NEW-E	84-15-041	137-70-070	AMD-P	84-08-060
137-28-040	NEW-P	84-14-076	137-70-070	AMD	84-11-033
137-28-040	NEW-E	84-15-041	137-70-080	AMD-P	84-08-060
137-28-045	NEW-P	84-14-076	137-70-080	AMD	84-11-033
137-28-045	NEW-E	84-15-041	137-75-010	NEW-P	84-12-067
137-28-050	NEW-P	84-14-076	137-75-010	NEW-E	84-12-068
137-28-050	NEW-E	84-15-041	137-75-010	NEW	84-15-053
137-28-065	NEW-P	84-14-076	137-75-020	NEW-P	84-12-067
137-28-065	NEW-E	84-15-041	137-75-020	NEW-E	84-12-068
137-28-072	NEW-P	84-14-076	137-75-020	NEW	84-15-053
137-28-072	NEW-E	84-15-041	137-75-030	NEW-P	84-12-067
137-28-075	NEW-P	84-14-076	137-75-030	NEW-E	84-12-068
137-28-075	NEW-E	84-15-041	137-75-030	NEW	84-15-053
137-28-080	NEW-P	84-14-076	137-75-040	NEW-P	84-12-067
137-28-080	NEW-E	84-15-041	137-75-040	NEW-E	84-12-068
137-28-085	NEW-P	84-14-076	137-75-040	NEW	84-15-053
137-28-085	NEW-E	84-15-041	137-75-050	NEW-P	84-12-067
137-28-090	NEW-P	84-14-076	137-75-050	NEW-E	84-12-068
137-28-090	NEW-E	84-15-041	137-75-050	NEW	84-15-053
137-28-093	NEW-P	84-14-076	137-75-060	NEW-P	84-12-067
137-28-093	NEW-E	84-15-041	137-75-060	NEW-E	84-12-068
137-28-095	NEW-P	84-14-076	137-75-060	NEW	84-15-053
137-28-095	NEW-E	84-15-041	137-91-011	NEW-E	84-13-007
137-28-097	NEW-P	84-14-076	137-91-011	NEW-P	84-13-075
137-28-097	NEW-E	84-15-041	137-91-021	NEW-E	84-13-007
137-28-100	NEW-P	84-14-076	137-91-021	NEW-P	84-13-075
137-28-100	NEW-E	84-15-041	137-91-050	NEW-E	84-13-007
137-28-105	NEW-P	84-14-076	137-91-050	NEW-P	84-13-075
137-28-105	NEW-E	84-15-041	137-91-060	NEW-E	84-13-007
137-28-110	NEW-P	84-14-076	137-91-060	NEW-P	84-13-075
137-28-110	NEW-E	84-15-041	137-91-070	NEW-E	84-13-007
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137-28-130	NEW-P	84-14-076	154-12-050	AMD-P	84-14-083
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137-48-020	AMD-E	84-04-046	172-148-010	REP-P	84-09-030
137-48-020	AMD	84-08-011	172-148-010	REP	84-13-053
137-48-060	AMD-P	84-04-045	172-148-020	REP-P	84-09-030
137-48-060	AMD-E	84-04-046	172-148-020	REP	84-13-053
137-48-060	AMD	84-08-011	172-148-030	REP-P	84-09-030
137-57	AMD-P	84-08-023	172-148-030	REP	84-13-053
137-57	AMD	84-11-032	172-148-040	REP-P	84-09-030
137-57-005	AMD-P	84-08-023	172-148-040	REP	84-13-053

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172-150-180	AMD	84-13-053	173-218-100	NEW-P	84-02-070
172-150-190	AMD-P	84-09-030	173-218-100	NEW	84-06-023
172-150-190	AMD	84-13-053	173-218-110	NEW-P	84-02-070
173-06-065	REP-E	84-15-002	173-218-110	NEW	84-06-023
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173-19-130	AMD-C	84-06-042	173-220-030	AMD-P	84-08-078
173-19-130	AMD	84-08-030	173-220-030	AMD	84-11-024
173-19-250	AMD-P	84-03-057	173-220-130	AMD-E	84-07-058
173-19-250	AMD	84-07-025	173-220-130	AMD-P	84-08-078
173-19-2520	AMD-P	84-14-101	173-220-130	AMD-C	84-11-023
173-19-260	AMD-P	84-03-058	173-220-130	AMD-C	84-14-094
173-19-260	AMD	84-08-042	173-220-150	AMD-E	84-07-058
173-19-280	AMD	84-06-043	173-220-150	AMD-P	84-08-078
173-19-310	AMD-P	84-14-102	173-220-150	AMD	84-11-024
173-19-330	AMD-W	84-02-072	173-220-210	AMD-E	84-07-058
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173-19-370	AMD-P	84-04-079	173-220-220	AMD-P	84-08-078
173-19-370	AMD	84-08-003	173-220-220	AMD	84-11-024
173-19-390	AMD	84-02-074	173-303	AMD-C	84-04-075
173-19-3903	AMD-P	84-07-054	173-303	AMD-C	84-07-057
173-19-3903	AMD-E	84-07-060	173-303-010	AMD	84-09-088
173-19-3903	AMD	84-10-050	173-303-016	NEW-P	84-09-083
173-19-3908	AMD	84-02-075	173-303-016	NEW-C	84-12-045
173-19-400	AMD-P	84-03-057	173-303-016	NEW	84-14-031
173-19-400	AMD	84-07-025	173-303-017	NEW-P	84-09-083
173-19-420	AMD-P	84-12-085	173-303-017	NEW-C	84-12-045
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173-19-4203	AMD-P	84-04-078	173-303-050	AMD	84-09-088
173-19-4203	AMD-C	84-06-041	173-303-060	AMD	84-09-088
173-19-4203	AMD-P	84-07-059	173-303-070	AMD-P	84-09-083
173-19-4203	AMD	84-08-028	173-303-070	AMD-C	84-12-045
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173-19-4704	AMD-P	84-04-079	173-303-103	AMD-C	84-12-045
173-19-4704	AMD	84-08-003	173-303-103	AMD	84-14-031
173-216-010	AMD-P	84-02-070	173-303-104	AMD-P	84-09-083
173-216-010	AMD	84-06-023	173-303-104	AMD-C	84-12-045
173-216-020	AMD-P	84-02-070	173-303-104	AMD	84-14-031
173-216-020	AMD	84-06-023	173-303-110	AMD-P	84-09-083
173-218-010	NEW-P	84-02-070	173-303-110	AMD-C	84-12-045
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173-218-070	NEW	84-06-023	173-303-180	AMD	84-14-031
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173-303-840	AMD-P	84-09-083	173-801-020	REP-P	84-09-081
173-303-840	AMD-C	84-12-045	173-801-020	REP	84-13-037
173-303-840	AMD	84-14-031	173-801-030	REP-P	84-09-081
173-303-910	AMD-P	84-09-083	173-801-030	REP	84-13-037
173-303-910	AMD-C	84-12-045	173-801-040	REP-P	84-09-081
173-303-910	AMD	84-14-031	173-801-040	REP	84-13-037
173-303-950	NEW	84-09-088	173-801-045	REP-P	84-09-081
173-303-9901	AMD	84-09-088	173-801-045	REP	84-13-037
173-303-9903	AMD	84-09-088	173-801-050	REP-P	84-09-081
173-303-9904	AMD	84-09-088	173-801-050	REP	84-13-037
173-303-9905	AMD	84-09-088	173-801-060	REP-P	84-09-081
173-305-010	NEW	84-05-012	173-801-060	REP	84-13-037
173-305-015	NEW	84-05-012	173-801-070	REP-P	84-09-081
173-305-020	NEW	84-05-012	173-801-070	REP	84-13-037
173-305-030	NEW	84-05-012	173-801-080	REP-P	84-09-081
173-305-040	NEW	84-05-012	173-801-080	REP	84-13-037
173-305-050	NEW	84-05-012	173-801-090	REP-P	84-09-081
173-305-060	NEW	84-05-012	173-801-090	REP	84-13-037
173-305-070	NEW	84-05-012	173-801-100	REP-P	84-09-081
173-305-080	NEW	84-05-012	173-801-100	REP	84-13-037
173-305-090	NEW	84-05-012	173-801-110	REP-P	84-09-081
173-330	NEW-C	84-12-069	173-801-110	REP	84-13-037
173-330	NEW-C	84-14-030	173-801-120	REP-P	84-09-081
173-330-010	NEW-P	84-10-061	173-801-120	REP	84-13-037
173-330-020	NEW-P	84-10-061	173-801-130	REP-P	84-09-081
173-330-030	NEW-P	84-10-061	173-801-130	REP	84-13-037
173-330-040	NEW-P	84-10-061	173-802-010	NEW-P	84-09-081
173-330-050	NEW-P	84-10-061	173-802-010	NEW	84-13-037
173-330-060	NEW-P	84-10-061	173-802-020	NEW-P	84-09-081
173-330-070	NEW-P	84-10-061	173-802-020	NEW	84-13-037
173-330-900	NEW-P	84-10-061	173-802-030	NEW-P	84-09-081
173-400-075	AMD-P	84-04-076	173-802-030	NEW	84-13-037
173-400-075	AMD	84-10-019	173-802-040	NEW-P	84-09-081
173-422-050	AMD-P	84-03-056	173-802-040	NEW	84-13-037
173-422-050	AMD	84-09-087	173-802-050	NEW-P	84-09-081
173-514-010	NEW	84-04-014	173-802-050	NEW	84-13-037
173-514-020	NEW	84-04-014	173-802-060	NEW-P	84-09-081
173-514-030	NEW	84-04-014	173-802-060	NEW	84-13-037
173-514-040	NEW	84-04-014	173-802-070	NEW-P	84-09-081
173-514-050	NEW	84-04-014	173-802-070	NEW	84-13-037
173-514-060	NEW	84-04-014	173-802-080	NEW-P	84-09-081
173-514-070	NEW	84-04-014	173-802-080	NEW	84-13-037
173-514-080	NEW	84-04-014	173-802-090	NEW-P	84-09-081
173-514-090	NEW	84-04-014	173-802-090	NEW	84-13-037
173-549-010	AMD-P	84-07-056	173-802-100	NEW-P	84-09-081
173-549-010	AMD	84-13-076	173-802-100	NEW	84-13-037
173-549-015	NEW-P	84-07-056	173-802-110	NEW-P	84-09-081
173-549-015	NEW	84-13-076	173-802-110	NEW	84-13-037
173-549-016	NEW	84-13-076	173-802-120	NEW-P	84-09-081
173-549-020	AMD-P	84-07-056	173-802-120	NEW	84-13-037
173-549-020	AMD	84-13-076	173-802-130	NEW-P	84-09-081
173-549-025	NEW-P	84-07-056	173-802-130	NEW	84-13-037
173-549-025	NEW	84-13-076	173-802-140	NEW-P	84-09-081
173-549-027	NEW-P	84-07-056	173-802-140	NEW	84-13-037
173-549-027	NEW	84-13-076	173-802-150	NEW-P	84-09-081
173-549-030	REP-P	84-07-056	173-802-150	NEW	84-13-037
173-549-030	REP	84-13-076	173-802-190	NEW-P	84-09-081
173-549-035	NEW-P	84-07-056	173-802-190	NEW	84-13-037
173-549-035	NEW	84-13-076	173-805-010	REP-P	84-10-049
173-549-040	REP-P	84-07-056	173-805-010	REP	84-13-036
173-549-040	REP	84-13-076	173-805-020	REP-P	84-10-049
173-549-050	REP-P	84-07-056	173-805-020	REP	84-13-036
173-549-050	REP	84-13-076	173-805-030	REP-P	84-10-049
173-549-060	AMD-P	84-07-056	173-805-030	REP	84-13-036
173-549-060	AMD	84-13-076	173-805-040	REP-P	84-10-049
173-549-070	AMD-P	84-07-056	173-805-040	REP	84-13-036
173-549-070	AMD	84-13-076	173-805-050	REP-P	84-10-049
173-549-080	NEW-P	84-07-056	173-805-050	REP	84-13-036
173-549-080	NEW	84-13-076	173-805-060	REP-P	84-10-049
173-549-090	NEW-P	84-07-056	173-805-060	REP	84-13-036
173-549-090	NEW	84-13-076	173-805-070	REP-P	84-10-049
173-549-100	NEW-P	84-07-056	173-805-070	REP	84-13-036
173-549-100	NEW	84-13-076	173-805-080	REP-P	84-10-049
173-549-900	NEW-P	84-07-056	173-805-080	REP	84-13-036
173-549-900	NEW	84-13-076	173-805-090	REP-P	84-10-049

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174-109-020	NEW-C	84-11-020	180-16-200	AMD	84-11-043
174-109-030	NEW-P	84-08-064	180-16-205	AMD-P	84-08-051
174-109-030	NEW-C	84-11-020	180-16-205	AMD	84-11-043
174-109-040	NEW-P	84-08-064	180-16-210	AMD-P	84-08-051
174-109-040	NEW-C	84-11-020	180-16-210	AMD	84-11-043
174-109-050	NEW-P	84-08-064	180-16-220	AMD-P	84-08-051
174-109-050	NEW-C	84-11-020	180-16-220	AMD	84-11-043
174-109-060	NEW-P	84-08-064	180-16-220	AMD	84-11-043
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174-109-070	NEW-P	84-08-064	180-16-225	AMD	84-11-043
174-109-070	NEW-C	84-11-020	180-16-240	AMD-P	84-08-051
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174-109-300	NEW-P	84-08-064	180-22-200	REP-P	84-08-047
174-109-300	NEW-C	84-11-020	180-22-200	REP-W	84-08-058
174-109-400	NEW-P	84-08-064	180-22-250	REP-P	84-08-047
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174-116-011	AMD-P	84-10-047	180-22-255	REP-P	84-08-047
174-116-011	AMD	84-13-056	180-22-255	REP-W	84-08-058
174-116-040	AMD-P	84-10-047	180-22-255	REP-P	84-08-059
174-116-040	AMD	84-13-056	180-22-255	REP	84-11-044
174-116-044	AMD-P	84-10-047	180-22-260	REP-P	84-08-047
174-116-044	AMD	84-13-056	180-22-260	REP-W	84-08-058
174-116-119	AMD-P	84-10-047	180-22-260	REP-P	84-08-059
174-116-119	AMD	84-13-056	180-22-260	REP	84-11-044
174-116-122	AMD-P	84-10-047	180-22-265	REP-P	84-08-047
174-116-122	AMD	84-13-056	180-22-265	REP-W	84-08-058
174-116-123	AMD-P	84-10-047	180-22-265	REP-P	84-08-059
174-116-123	AMD	84-13-056	180-22-265	REP	84-11-044
174-148-010	REP-P	84-08-064	180-22-270	REP-P	84-08-047
174-148-010	REP-C	84-11-020	180-22-270	REP-W	84-08-058
174-148-015	REP-P	84-08-064	180-22-270	REP-P	84-08-059
174-148-015	REP-C	84-11-020	180-22-270	REP	84-11-044
174-148-030	REP-P	84-08-064	180-22-275	REP-P	84-08-047
174-148-030	REP-C	84-11-020	180-22-275	REP-W	84-08-058
174-148-040	REP-P	84-08-064	180-22-275	REP-P	84-08-059
174-148-040	REP-C	84-11-020	180-22-275	REP	84-11-044
174-148-050	REP-P	84-08-064	180-22-280	REP-P	84-08-047
174-148-050	REP-C	84-11-020	180-22-280	REP-W	84-08-058
174-148-060	REP-P	84-08-064	180-22-280	REP-P	84-08-059
174-148-060	REP-C	84-11-020	180-22-280	REP	84-11-044
174-148-070	REP-P	84-08-064	180-22-285	REP-P	84-08-047
174-148-070	REP-C	84-11-020	180-22-285	REP-W	84-08-058
174-148-080	REP-P	84-08-064	180-22-285	REP-P	84-08-059
174-148-080	REP-C	84-11-020	180-22-285	REP	84-11-044
174-148-085	REP-P	84-08-064	180-22-290	REP-P	84-08-047
174-148-085	REP-C	84-11-020	180-22-290	REP-W	84-08-058
174-148-090	REP-P	84-08-064	180-22-290	REP-P	84-08-059
174-148-090	REP-C	84-11-020	180-22-290	REP	84-11-044
174-148-100	REP-P	84-08-064	180-22-295	REP-P	84-08-047
174-148-100	REP-C	84-11-020	180-22-295	REP-W	84-08-058
174-148-110	REP-P	84-08-064	180-22-295	REP-P	84-08-059
174-148-110	REP-C	84-11-020	180-22-295	REP	84-11-044
174-148-120	REP-P	84-08-064	180-23-037	NEW-P	84-08-050
174-148-120	REP-C	84-11-020	180-23-037	NEW	84-11-045
177-04	REAFF	84-14-064	180-23-040	NEW-P	84-08-050
177-06	REAFF	84-14-064	180-23-040	NEW	84-11-045
177-08	REAFF	84-14-064	180-23-043	NEW-P	84-08-050
180-16-002	NEW-P	84-08-051	180-23-043	NEW	84-11-045
180-16-002	NEW	84-11-043	180-23-047	NEW-P	84-08-050
180-16-003	REP-P	84-08-051	180-23-047	NEW	84-11-045
180-16-003	REP	84-11-043	180-23-050	NEW-P	84-08-050
180-16-006	NEW-P	84-08-051	180-23-050	NEW	84-11-045
180-16-006	NEW	84-11-043	180-23-055	NEW-P	84-08-050
180-16-191	AMD-P	84-08-051	180-23-055	NEW	84-11-045
180-16-191	AMD	84-11-043	180-23-058	NEW-P	84-08-050

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180-51-100	NEW-P	84-08-076	192-23-052	NEW-P	84-10-022
180-51-100	NEW	84-11-049	192-23-052	NEW-E	84-10-023
180-51-105	NEW-P	84-08-076	192-23-052	NEW	84-13-050
180-51-105	NEW	84-11-049	192-23-061	NEW-P	84-10-022
180-51-110	NEW-P	84-08-076	192-23-061	NEW-E	84-10-023
180-51-110	NEW	84-11-049	192-23-061	NEW	84-13-050
180-51-115	NEW-P	84-08-076	192-23-071	NEW-P	84-10-022
180-51-115	NEW	84-11-049	192-23-071	NEW-E	84-10-023
180-55-010	AMD-P	84-08-075	192-23-081	NEW-P	84-10-022
180-55-010	AMD	84-11-050	192-23-081	NEW-E	84-10-023
180-55-015	AMD-P	84-08-075	192-23-081	NEW	84-13-050
180-55-015	AMD	84-11-050	192-23-082	NEW-P	84-10-022
180-55-020	AMD-P	84-08-075	192-23-082	NEW-E	84-10-023
180-55-020	AMD	84-11-050	192-23-082	NEW	84-13-050
180-55-050	AMD-P	84-08-075	192-23-091	NEW-P	84-10-022
180-55-050	AMD	84-11-050	192-23-091	NEW-E	84-10-023
182-08-140	REP-E	84-04-063	192-23-091	NEW	84-13-050
182-08-140	REP-P	84-05-029	192-23-096	NEW-P	84-10-022
182-08-140	REP	84-09-043	192-23-096	NEW-E	84-10-023
182-08-140	REP-E	84-09-060	192-23-096	NEW	84-13-050
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182-08-150	REP-E	84-09-060	192-23-301	NEW-P	84-10-022
182-08-195	NEW-E	84-04-063	192-23-301	NEW-E	84-10-023
182-08-195	NEW-P	84-05-029	192-23-301	NEW	84-13-050
182-08-195	NEW	84-09-043	192-23-320	NEW-P	84-10-022
182-08-195	NEW-E	84-09-060	192-23-320	NEW-E	84-10-023
182-12-125	AMD-E	84-04-063	192-23-320	NEW	84-13-050
182-12-125	AMD-P	84-05-029	192-23-350	NEW-P	84-10-022
182-12-125	AMD	84-09-043	192-23-350	NEW-E	84-10-023
182-12-125	REP-E	84-09-044	192-23-350	NEW	84-13-050
182-12-125	REP-P	84-10-020	192-23-800	NEW-P	84-10-022
182-12-125	REP-C	84-13-012	192-23-800	NEW-E	84-10-023
182-12-125	REP	84-14-058	192-23-800	NEW	84-13-050
192-12-131	NEW	84-02-061	192-23-810	NEW-P	84-10-022
192-12-131	REP-E	84-09-033	192-23-810	NEW-E	84-10-023
192-12-131	REP-P	84-09-034	192-23-810	NEW	84-13-050
192-12-131	REP	84-09-034	192-23-810	NEW-P	84-10-022
192-12-131	REP	84-13-050	192-23-820	NEW-P	84-10-022
192-12-132	NEW	84-02-061	192-23-820	NEW-E	84-10-023
192-12-132	REP-E	84-09-033	192-23-900	NEW-P	84-10-022
192-12-132	REP-P	84-09-034	192-23-900	NEW-E	84-10-023
192-12-132	REP	84-13-050	192-23-900	NEW	84-13-050
192-12-134	NEW	84-02-061	192-24-001	NEW-P	84-10-022
192-12-151	NEW-E	84-09-033	192-24-001	NEW	84-13-050
192-12-151	NEW-P	84-09-034	192-24-010	NEW-P	84-10-022
192-12-151	NEW	84-13-050	192-24-010	NEW	84-13-050
192-23-001	NEW-P	84-10-022	192-24-020	NEW-P	84-10-022
192-23-001	NEW-E	84-10-023	192-24-020	NEW	84-13-050
192-23-001	NEW	84-13-050	192-24-030	NEW-P	84-10-022
192-23-002	NEW-P	84-10-022	192-24-030	NEW	84-13-050
192-23-002	NEW-E	84-10-023	196-08-085	AMD	84-04-027
192-23-002	NEW	84-13-050	196-12-010	AMD	84-04-027
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192-23-011	NEW-E	84-10-023	196-12-030	AMD	84-04-027
192-23-011	NEW	84-13-050	196-12-050	AMD	84-04-027
192-23-012	NEW-P	84-10-022	196-12-060	AMD	84-04-027
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192-23-016	NEW-P	84-10-022	196-27-010	NEW	84-04-027
192-23-016	NEW-E	84-10-023	196-27-020	NEW	84-04-027
192-23-016	NEW	84-13-050	197-10-010	REP	84-05-021
192-23-017	NEW-P	84-10-022	197-10-020	REP	84-05-021
192-23-017	NEW-E	84-10-023	197-10-025	REP	84-05-021
192-23-017	NEW	84-13-050	197-10-030	REP	84-05-021
192-23-051	NEW-P	84-10-022	197-10-040	REP	84-05-021

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220-16-085	AMD-P	84-04-091	220-36-02100P	NEW-E	84-14-092
220-16-085	AMD	84-08-014	220-36-022	AMD-P	84-11-097
220-16-100	AMD-P	84-04-091	220-36-022	AMD	84-15-008
220-16-100	AMD	84-08-014	220-36-024	AMD-P	84-11-097
220-16-375	NEW-P	84-03-060	220-36-024	AMD	84-15-008
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220-16-380	NEW-P	84-03-060	220-36-03001	AMD-P	84-04-091
220-16-380	NEW	84-09-026	220-36-03001	AMD	84-08-014
220-20-010	AMD-P	84-04-091	220-40-021	AMD-P	84-11-097
220-20-010	AMD	84-08-014	220-40-021	AMD	84-15-008
220-20-015	AMD-P	84-08-065	220-40-021001	NEW-E	84-14-092
220-20-015	AMD-C	84-11-098	220-40-022	AMD-P	84-11-097
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220-22-020	AMD	84-15-008	220-40-030	AMD-P	84-04-091
220-22-030	AMD-P	84-08-065	220-40-030	AMD	84-08-014
220-22-030	AMD-C	84-11-098	220-40-030	AMD-P	84-11-097
220-22-030	AMD	84-13-078	220-40-030	AMD	84-15-008
220-22-03000A	NEW-E	84-13-045	220-40-03000A	NEW-E	84-14-092
220-22-410	AMD-P	84-04-091	220-44	AMD-P	84-04-091
220-22-410	AMD	84-08-014	220-44	AMD	84-08-014
220-24-02000A	NEW-E	84-11-011	220-44-020	AMD-P	84-04-091
220-24-02000Z	NEW-E	84-10-024	220-44-020	AMD	84-08-014
220-28-073H0F	NEW-E	84-11-013	220-44-030	AMD-P	84-04-091
220-28-401	NEW-E	84-09-037	220-44-030	AMD	84-08-014
220-28-401	REP-E	84-11-010	220-44-040	AMD-P	84-04-091
220-28-402	NEW-E	84-10-015	220-44-040	AMD	84-08-014
220-28-402	REP-E	84-12-060	220-44-050	AMD-P	84-04-091
220-28-403	NEW-E	84-12-060	220-44-050	AMD	84-08-014
220-28-403	REP-E	84-13-044	220-44-05000E	REP-E	84-08-007
220-28-404	NEW-E	84-13-044	220-44-05000F	NEW-E	84-08-007
220-28-404	REP-E	84-14-059	220-44-05000F	NEW-E	84-11-001
220-28-405	NEW-E	84-14-059	220-44-05000F	REP-E	84-15-034
220-28-405	REP-E	84-14-093	220-44-05000H	NEW-E	84-15-034
220-28-406	NEW-E	84-14-093	220-44-060	NEW-P	84-04-091
220-28-406	REP-E	84-15-009	220-44-060	NEW	84-08-014
220-28-407	NEW-E	84-15-009	220-44-070	NEW-P	84-04-091
220-28-407	REP-E	84-15-030	220-44-070	NEW	84-08-014
220-28-408	NEW-E	84-15-030	220-47-121	AMD-P	84-08-065
220-28-408	REP-E	84-15-039	220-47-121	AMD-C	84-11-098
220-28-409	NEW-E	84-15-039	220-47-121	AMD	84-13-078
220-28-409	REP-E	84-15-069	220-47-251	REP-P	84-08-065
220-28-410	NEW-E	84-15-069	220-47-251	REP-C	84-11-098
220-32-02000L	NEW-E	84-05-006	220-47-251	REP	84-13-078
220-32-02200K	NEW-E	84-04-043	220-47-253	REP-P	84-08-065
220-32-02200K	REP-E	84-05-006	220-47-253	REP-C	84-11-098
220-32-02500I	NEW-E	84-06-022	220-47-253	REP	84-13-078
220-32-02500I	REP-E	84-06-051	220-47-254	REP-P	84-08-065
220-32-03000H	NEW-E	84-05-037	220-47-254	REP-C	84-11-098
220-32-03000H	REP-E	84-06-008	220-47-254	REP	84-13-078
220-32-03000I	NEW-E	84-06-008	220-47-255	REP-P	84-08-065
220-32-03000I	NEW-E	84-14-010	220-47-255	REP-C	84-11-098
220-32-04000T	NEW-E	84-02-049	220-47-255	REP	84-13-078
220-32-04000T	REP-E	84-04-060	220-47-256	REP-P	84-08-065
220-32-04000U	NEW-E	84-04-060	220-47-256	REP-C	84-11-098
220-32-04000U	REP-E	84-05-035	220-47-256	REP	84-13-078
220-32-04000V	NEW-E	84-05-035	220-47-257	REP-P	84-08-065
220-32-04100G	NEW-E	84-12-028	220-47-257	REP-C	84-11-098
220-32-044	AMD-P	84-04-091	220-47-257	REP	84-13-078
220-32-044	AMD	84-08-014	220-47-258	REP-P	84-08-065
220-32-05000H	REP-E	84-11-058	220-47-258	REP-C	84-11-098
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220-32-055	AMD-P	84-03-059	220-47-259	REP	84-13-078
220-32-055	AMD	84-05-046	220-47-260	REP-P	84-08-065
220-32-05500H	NEW-E	84-10-042	220-47-260	REP-C	84-11-098
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220-32-05500K	NEW-E	84-14-012	220-47-263	REP-C	84-11-098
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220-52-018	AMD	84-08-014	220-56-201	NEW-P	84-03-060
220-52-019	AMD-P	84-04-091	220-56-201	NEW	84-09-026
220-52-019	AMD	84-08-014	220-56-20100A	NEW-E	84-08-005
220-52-01901	AMD-P	84-04-091	220-56-20100A	NEW-E	84-13-032
220-52-01901	AMD	84-08-014	220-56-235	AMD-P	84-03-060
220-52-020	AMD-P	84-04-091	220-56-235	AMD	84-09-026
220-52-020	AMD	84-08-014	220-56-23500B	NEW-E	84-08-005
220-52-030	AMD-P	84-04-091	220-56-240	AMD-P	84-03-060
220-52-030	AMD	84-08-014	220-56-240	AMD	84-09-026
220-52-03000B	NEW-E	84-07-023	220-56-24000A	NEW-E	84-08-005
220-52-040	AMD-P	84-04-091	220-56-250	AMD-P	84-03-060
220-52-040	AMD	84-08-014	220-56-250	AMD	84-09-026
220-52-043	AMD-P	84-04-091	220-56-25000D	NEW-E	84-08-005
220-52-043	AMD	84-08-014	220-56-295	AMD-P	84-03-060
220-52-046	AMD-P	84-04-091	220-56-295	AMD	84-09-026
220-52-046	AMD	84-08-014	220-56-29500A	NEW-E	84-08-005
220-52-04600M	NEW-E	84-14-009	220-56-310	AMD-P	84-03-060
220-52-050	AMD-P	84-04-091	220-56-310	AMD	84-09-026
220-52-050	AMD	84-08-014	220-56-31000E	NEW-E	84-08-005
220-52-053	AMD-P	84-04-091	220-56-320	AMD-P	84-03-060
220-52-053	AMD	84-08-014	220-56-320	AMD	84-09-026
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220-52-063	AMD-P	84-04-091	220-56-325	AMD	84-09-026
220-52-063	AMD	84-08-014	220-56-32500F	NEW-E	84-11-028
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220-52-07500H	NEW-E	84-04-044	220-56-38000A	NEW-E	84-08-005
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220-55-120	AMD-P	84-03-059	220-57-120	AMD	84-09-026
220-55-120	AMD	84-05-046	220-57-130	AMD-P	84-03-060
220-55-130	AMD-P	84-03-059	220-57-130	AMD	84-09-026
220-55-130	AMD	84-05-046	220-57-135	AMD-P	84-03-060
220-56-105	AMD-P	84-03-060	220-57-135	AMD	84-09-026
220-56-105	AMD	84-09-026	220-57-140	AMD-P	84-05-042
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220-56-115	AMD	84-09-026	220-57-150	AMD-P	84-03-060
220-56-11500C	NEW-E	84-08-005	220-57-150	AMD	84-09-026
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220-56-11600A	NEW-E	84-10-041	220-57-155	AMD	84-09-026
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220-56-125	AMD	84-09-026	220-57-160	AMD	84-09-026
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230-25-065	NEW	84-13-038	232-18-340	REP-P	84-14-088
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230-25-260	AMD-C	84-10-006	232-18-365	REP-P	84-14-088
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251-18-140	AMD	84-10-056	251-22-090	AMD-E	84-10-018
251-18-140	AMD-C	84-12-087	251-22-090	AMD	84-12-036
251-18-145	NEW-P	84-06-065	251-22-091	REP-P	84-09-068
251-18-145	NEW	84-10-056	251-22-091	REP-E	84-10-018
251-18-150	REP-P	84-06-065	251-22-091	REP	84-12-047
251-18-150	REP	84-10-056	251-22-200	AMD-P	84-09-068
251-18-155	REP-P	84-06-065	251-22-200	AMD	84-12-036
251-18-155	REP	84-10-056	260-32-160	AMD-P	84-11-099
251-18-160	AMD-P	84-06-065	260-56-030	AMD-P	84-11-099
251-18-160	AMD	84-10-056	260-70-010	AMD-P	84-04-061
251-18-170	REP-P	84-06-065	260-70-010	AMD	84-06-061
251-18-170	REP	84-10-056	260-70-021	AMD-P	84-04-061
251-18-175	REP-P	84-06-065	260-70-021	AMD	84-06-061

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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275-27-500	AMD	84-15-038	275-55-281	AMD	84-03-035
275-27-800	NEW-P	84-04-009	275-55-291	AMD	84-03-035
275-27-800	NEW-E	84-04-010	275-55-293	AMD	84-03-035
275-27-800	NEW	84-07-018	275-55-297	AMD	84-03-035
275-27-810	NEW-P	84-04-009	275-55-301	AMD	84-03-035
275-27-810	NEW-E	84-04-010	275-55-331	AMD	84-03-035
275-27-810	NEW	84-07-018	275-55-371	AMD	84-03-035
275-27-820	NEW-P	84-04-009	275-60-010	NEW-P	84-10-009
275-27-820	NEW-E	84-04-010	275-60-010	NEW	84-13-029
275-27-820	NEW	84-07-018	275-60-020	NEW-P	84-10-009
275-31-005	NEW	84-03-054	275-60-020	NEW	84-13-029
275-31-010	NEW	84-03-054	275-60-030	NEW-P	84-10-009
275-31-020	NEW	84-03-054	275-60-030	NEW	84-13-029
275-31-030	NEW	84-03-054	275-60-040	NEW-P	84-10-009
275-31-040	NEW	84-03-054	275-60-040	NEW	84-13-029
275-31-050	NEW	84-03-054	275-60-050	NEW-P	84-10-009
275-31-070	NEW	84-03-054	275-60-050	NEW	84-13-029
275-31-080	NEW	84-03-054	275-60-060	NEW-P	84-10-009
275-31-090	NEW	84-03-054	275-60-060	NEW	84-13-029
275-33-010	NEW-E	84-06-016	275-60-070	NEW-P	84-10-009
275-33-010	NEW-P	84-06-025	275-60-070	NEW	84-13-029
275-33-010	NEW	84-10-032	275-60-200	NEW-P	84-10-009
275-33-020	NEW-E	84-06-016	275-60-200	NEW	84-13-029
275-33-020	NEW-P	84-06-025	275-60-300	NEW-P	84-10-009
275-33-020	NEW	84-10-032	275-60-300	NEW	84-13-029
275-33-030	NEW-E	84-06-016	275-60-400	NEW-P	84-10-009
275-33-030	NEW-P	84-06-025	275-60-400	NEW	84-13-029
275-33-030	NEW	84-10-032	275-60-500	NEW-P	84-10-009
275-33-040	NEW-E	84-06-016	275-60-500	NEW	84-13-029
275-33-040	NEW-P	84-06-025	275-60-510	NEW-P	84-10-009
275-33-040	NEW	84-10-032	275-60-510	NEW	84-13-029
275-33-050	NEW-E	84-06-016	275-60-520	NEW-P	84-10-009
275-33-050	NEW-P	84-06-025	275-60-520	NEW	84-13-029
275-33-050	NEW	84-10-032	275-88-005	REP-P	84-14-076
275-33-060	NEW-E	84-06-016	275-88-005	REP-E	84-15-041
275-33-060	NEW-P	84-06-025	275-88-006	REP-P	84-14-076
275-33-060	NEW	84-10-032	275-88-006	REP-E	84-15-041
275-38-001	AMD-P	84-15-020	275-88-010	REP-P	84-14-076
275-38-001	AMD-E	84-15-021	275-88-010	REP-E	84-15-041
275-38-535	AMD-P	84-15-020	275-88-015	REP-P	84-14-076
275-38-535	AMD-E	84-15-021	275-88-015	REP-E	84-15-041
275-38-600	AMD-P	84-05-056	275-88-020	REP-P	84-14-076
275-38-600	AMD	84-09-018	275-88-020	REP-E	84-15-041
275-38-730	AMD-P	84-04-056	275-88-025	REP-P	84-14-076
275-38-730	AMD	84-09-032	275-88-025	REP-E	84-15-041
275-38-730	REP-P	84-15-020	275-88-030	REP-P	84-14-076
275-38-730	REP-E	84-15-021	275-88-030	REP-E	84-15-041
275-38-740	REP-P	84-15-020	275-88-035	REP-P	84-14-076
275-38-740	REP-E	84-15-021	275-88-035	REP-E	84-15-041
275-38-831	AMD-P	84-15-020	275-88-040	REP-P	84-14-076
275-38-831	AMD-E	84-15-021	275-88-040	REP-E	84-15-041
275-38-845	AMD-P	84-15-020	275-88-045	REP-P	84-14-076
275-38-845	AMD-E	84-15-021	275-88-045	REP-E	84-15-041
275-38-860	AMD-P	84-15-020	275-88-050	REP-P	84-14-076
275-38-860	AMD-E	84-15-021	275-88-050	REP-E	84-15-041
275-38-865	AMD-P	84-15-020	275-88-055	REP-P	84-14-076
275-38-865	AMD-E	84-15-021	275-88-055	REP-E	84-15-041
275-38-868	NEW-P	84-15-020	275-88-060	REP-P	84-14-076
275-38-868	NEW-E	84-15-021	275-88-060	REP-E	84-15-041
275-38-869	NEW-P	84-15-020	275-88-065	REP-P	84-14-076
275-38-869	NEW-E	84-15-021	275-88-065	REP-E	84-15-041
275-38-870	AMD-P	84-15-020	275-88-070	REP-P	84-14-076
275-38-870	AMD-E	84-15-021	275-88-070	REP-E	84-15-041
275-38-875	AMD-P	84-15-020	275-88-075	REP-P	84-14-076
275-38-875	AMD-E	84-15-021	275-88-075	REP-E	84-15-041
275-38-880	AMD-P	84-15-020	275-88-080	REP-P	84-14-076
275-38-880	AMD-E	84-15-021	275-88-080	REP-E	84-15-041
275-38-886	AMD-P	84-15-020	275-88-085	REP-P	84-14-076
275-38-886	AMD-E	84-15-021	275-88-085	REP-E	84-15-041
275-38-890	NEW-P	84-15-020	275-88-090	REP-P	84-14-076
275-38-890	NEW-E	84-15-021	275-88-090	REP-E	84-15-041
275-38-892	NEW-P	84-15-020	275-88-093	REP-P	84-14-076
275-38-892	NEW-E	84-15-021	275-88-093	REP-E	84-15-041
275-55-020	AMD	84-03-035	275-88-095	REP-P	84-14-076
275-55-161	AMD	84-03-035	275-88-095	REP-E	84-15-041
275-55-263	AMD	84-03-035	275-88-097	REP-P	84-14-076

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296-13-200	NEW-P	84-13-003	296-24-21713	NEW-P	84-15-043
296-13-210	NEW-P	84-13-003	296-46-110	AMD-P	84-07-010
296-13-220	NEW-P	84-13-003	296-46-110	AMD-E	84-08-006
296-13-230	NEW-P	84-13-003	296-46-110	AMD-E	84-13-004
296-13-240	NEW-P	84-13-003	296-46-110	AMD	84-15-051
296-13-250	NEW-P	84-13-003	296-46-120	REP-P	84-07-010
296-13-260	NEW-P	84-13-003	296-46-120	REP	84-15-051
296-13-270	NEW-P	84-13-003	296-46-130	AMD-P	84-07-010
296-13-280	NEW-P	84-13-003	296-46-130	AMD	84-15-051
296-13-290	NEW-P	84-13-003	296-46-140	AMD-P	84-07-010
296-13-300	NEW-P	84-13-003	296-46-140	AMD	84-15-051
296-13-310	NEW-P	84-13-003	296-46-150	AMD-P	84-07-010
296-13-320	NEW-P	84-13-003	296-46-150	AMD	84-15-051
296-13-330	NEW-P	84-13-003	296-46-160	AMD-P	84-07-010
296-13-340	NEW-P	84-13-003	296-46-160	AMD	84-15-051
296-13-350	NEW-P	84-13-003	296-46-170	REP-P	84-07-010
296-13-360	NEW-P	84-13-003	296-46-170	REP	84-15-051
296-13-370	NEW-P	84-13-003	296-46-180	AMD-P	84-07-010
296-13-380	NEW-P	84-13-003	296-46-180	AMD	84-15-051
296-13-390	NEW-P	84-13-003	296-46-190	REP-P	84-07-010
296-13-400	NEW-P	84-13-003	296-46-190	REP	84-15-051
296-13-410	NEW-P	84-13-003	296-46-200	AMD-P	84-07-010
296-13-420	NEW-P	84-13-003	296-46-200	AMD	84-15-051
296-13-430	NEW-P	84-13-003	296-46-210	REP-P	84-07-010
296-13-440	NEW-P	84-13-003	296-46-210	REP	84-15-051
296-14-010	AMD-P	84-02-059	296-46-220	AMD-P	84-07-010
296-14-010	AMD	84-06-018	296-46-220	AMD	84-15-051
296-15-02601	AMD-P	84-02-078	296-46-230	REP-P	84-07-010
296-15-02601	AMD	84-06-031	296-46-230	REP	84-15-051
296-15-21001	REP-P	84-02-078	296-46-240	AMD-P	84-07-010
296-15-21001	REP	84-06-031	296-46-240	AMD	84-15-051
296-17-345	NEW-P	84-15-055	296-46-242	REP-P	84-07-010
296-17-350	AMD-P	84-08-077	296-46-242	REP	84-15-051
296-17-350	AMD	84-11-034	296-46-244	REP-P	84-07-010
296-17-35101	NEW-P	84-02-059	296-46-244	REP	84-15-051
296-17-35101	NEW	84-06-018	296-46-270	REP-P	84-07-010
296-17-765	AMD-P	84-09-035	296-46-270	REP	84-15-051
296-17-765	AMD-E	84-09-036	296-46-280	REP-P	84-07-010
296-17-765	AMD	84-12-048	296-46-280	REP	84-15-051
296-17-779	NEW-P	84-08-077	296-46-290	REP-P	84-07-010
296-17-779	NEW	84-11-034	296-46-290	REP	84-15-051
296-17-895	AMD-P	84-09-035	296-46-300	REP-P	84-07-010
296-17-895	AMD-E	84-09-036	296-46-300	REP	84-15-051
296-17-895	AMD	84-12-048	296-46-335	REP-P	84-07-010
296-17-905	AMD-P	84-02-060	296-46-335	REP	84-15-051
296-17-905	AMD	84-06-024	296-46-336	NEW-P	84-07-010
296-17-910	AMD-P	84-02-060	296-46-350	AMD-P	84-07-010
296-17-910	AMD	84-06-024	296-46-350	AMD	84-15-051
296-17-911	AMD-P	84-02-060	296-46-355	REP-P	84-07-010
296-17-911	AMD	84-06-024	296-46-355	REP	84-15-051
296-17-913	AMD-P	84-02-060	296-46-360	AMD-P	84-07-010
296-17-913	AMD	84-06-024	296-46-360	AMD	84-15-051
296-17-914	AMD-P	84-02-060	296-46-370	AMD-P	84-07-010
296-17-914	AMD	84-06-024	296-46-370	AMD	84-15-051
296-17-916	AMD-P	84-02-060	296-46-380	REP-P	84-07-010
296-17-916	AMD	84-06-024	296-46-380	REP	84-15-051
296-17-917	AMD-P	84-02-060	296-46-390	REP-P	84-07-010
296-17-917	AMD	84-06-024	296-46-390	REP	84-15-051
296-17-918	NEW-P	84-02-060	296-46-420	AMD-P	84-07-010
296-17-918	NEW	84-06-018	296-46-420	AMD	84-15-051
296-17-919	AMD-P	84-02-060	296-46-424	REP-P	84-07-010
296-17-919	AMD	84-06-024	296-46-424	REP	84-15-051
296-17-91901	AMD-P	84-02-060	296-46-426	REP-P	84-07-010
296-17-91901	AMD	84-06-024	296-46-426	REP	84-15-051
296-17-91902	AMD-P	84-02-060	296-46-480	AMD-P	84-07-010
296-17-91902	AMD	84-06-024	296-46-480	AMD	84-15-051
296-19-010	REP-P	84-02-059	296-46-490	AMD-P	84-07-010
296-19-010	REP	84-06-018	296-46-490	AMD	84-15-051
296-20-12503	NEW-E	84-15-031	296-46-495	REP-P	84-07-010
296-24-073	AMD-E	84-10-016	296-46-500	REP-P	84-07-010
296-24-217	AMD-P	84-15-043	296-46-500	REP	84-15-051
296-24-21701	AMD-P	84-15-043	296-46-501	REP-P	84-07-010
296-24-21703	AMD-P	84-15-043	296-46-501	REP	84-15-051
296-24-21705	AMD-P	84-15-043	296-46-535	REP-P	84-07-010
296-24-21707	AMD-P	84-15-043	296-46-535	REP	84-15-051

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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296-93-120	NEW-P	84-05-032	304-25-040	AMD	84-07-020
296-93-120	NEW	84-10-025	304-25-090	REP-P	84-04-089
296-93-130	NEW-P	84-05-032	304-25-090	REP	84-07-020
296-93-130	NEW	84-10-025	304-25-100	REP-P	84-04-089
296-93-140	NEW-P	84-05-032	304-25-100	REP	84-07-020
296-93-140	NEW	84-10-025	308-12-031	AMD	84-04-028
296-93-150	NEW-P	84-05-032	308-12-050	AMD	84-04-028
296-93-150	NEW	84-10-025	308-12-110	AMD	84-04-028
296-93-160	NEW-P	84-05-032	308-16-010	REP-P	84-15-066
296-93-160	NEW	84-10-025	308-16-020	REP-P	84-15-066
296-93-170	NEW-P	84-05-032	308-16-030	REP-P	84-15-066
296-93-170	NEW	84-10-025	308-16-040	REP-P	84-15-066
296-93-180	NEW-P	84-05-032	308-16-050	REP-P	84-15-066
296-93-180	NEW	84-10-025	308-16-060	REP-P	84-15-066
296-93-190	NEW-P	84-05-032	308-16-070	REP-P	84-15-066
296-93-190	NEW	84-10-025	308-16-080	REP-P	84-15-066
296-93-200	NEW-P	84-05-032	308-16-090	REP-P	84-15-066
296-93-200	NEW	84-10-025	308-16-100	REP-P	84-15-066
296-93-210	NEW-P	84-05-032	308-16-110	REP-P	84-15-066
296-93-210	NEW	84-10-025	308-16-120	REP-P	84-15-066
296-93-220	NEW-P	84-05-032	308-16-130	REP-P	84-15-066
296-93-220	NEW	84-10-025	308-16-140	REP-P	84-15-066
296-93-230	NEW-P	84-05-032	308-16-150	REP-P	84-15-066
296-93-230	NEW	84-10-025	308-16-160	REP-P	84-15-066
296-93-240	NEW-P	84-05-032	308-16-170	REP-P	84-15-066
296-93-240	NEW	84-10-025	308-16-180	REP-P	84-15-066
296-93-250	NEW-P	84-05-032	308-16-190	REP-P	84-15-066
296-93-250	NEW	84-10-025	308-16-200	REP-P	84-15-066
296-93-260	NEW-P	84-05-032	308-16-205	REP-P	84-15-066
296-93-260	NEW	84-10-025	308-16-213	REP-P	84-15-066
296-93-270	NEW-P	84-05-032	308-16-214	REP-P	84-15-066
296-93-270	NEW	84-10-025	308-16-215	REP-P	84-15-066
296-93-280	NEW-P	84-05-032	308-16-216	REP-P	84-15-066
296-93-280	NEW	84-10-025	308-16-218	REP-P	84-15-066
296-93-290	NEW-P	84-05-032	308-16-240	REP-P	84-15-066
296-93-290	NEW	84-10-025	308-16-250	REP-P	84-15-066
296-93-300	NEW-P	84-05-032	308-16-260	REP-P	84-15-066
296-93-300	NEW	84-10-025	308-16-270	REP-P	84-15-066
296-93-320	NEW-P	84-05-032	308-16-290	REP-P	84-15-066
296-93-320	NEW	84-10-025	308-16-300	REP-P	84-15-066
296-93-330	NEW-P	84-05-032	308-16-310	REP-P	84-15-066
296-93-330	NEW	84-10-025	308-16-320	REP-P	84-15-066
296-104-200	AMD-P	84-06-010	308-16-350	REP-P	84-15-066
296-104-200	AMD	84-11-016	308-16-360	REP-P	84-15-066
296-104-700	AMD-P	84-06-010	308-16-380	REP-P	84-15-066
296-104-700	AMD	84-11-016	308-16-390	REP-P	84-15-066
296-116-070	AMD-P	84-07-027	308-16-400	REP-P	84-15-066
296-116-070	AMD	84-11-056	308-16-430	REP-P	84-15-066
296-116-300	AMD	84-04-006	308-16-440	REP-P	84-15-066
296-116-300	AMD-E	84-04-007	308-16-450	REP-P	84-15-066
296-116-330	REP-P	84-07-028	308-16-460	REP-P	84-15-066
296-116-330	REP-E	84-08-013	308-16-470	REP-P	84-15-066
296-116-330	REP	84-11-041	308-16-500	REP-P	84-15-066
296-200-300	NEW-E	84-03-003	308-20-010	NEW-E	84-14-063
296-200-300	NEW-P	84-04-072	308-20-010	NEW-P	84-15-066
296-200-300	NEW-C	84-07-021	308-20-020	NEW-E	84-14-063
296-200-300	NEW	84-12-018	308-20-020	NEW-P	84-15-066
296-200-310	NEW-E	84-03-003	308-20-030	NEW-E	84-14-063
296-200-310	NEW-P	84-04-072	308-20-030	NEW-P	84-15-066
296-200-310	NEW-C	84-07-021	308-20-040	NEW-E	84-14-063
296-200-310	NEW	84-12-018	308-20-040	NEW-P	84-15-066
296-200-320	NEW-E	84-03-003	308-20-050	NEW-E	84-14-063
296-200-320	NEW-P	84-04-072	308-20-050	NEW-P	84-15-066
296-200-320	NEW-C	84-07-021	308-20-060	NEW-E	84-14-063
296-200-320	NEW	84-12-018	308-20-060	NEW-P	84-15-066
296-400-300	NEW-P	84-04-072	308-20-070	NEW-E	84-14-063
296-400-300	NEW-C	84-07-021	308-20-070	NEW-P	84-15-066
296-400-300	NEW	84-12-018	308-20-080	NEW-E	84-14-063
304-12-015	REP-P	84-04-089	308-20-080	NEW-P	84-15-066
304-12-015	REP	84-07-020	308-20-090	NEW-E	84-14-063
304-12-020	NEW-P	84-04-089	308-20-090	NEW-P	84-15-066
304-12-020	NEW	84-07-020	308-20-100	NEW-E	84-14-063
304-12-025	NEW-P	84-04-089	308-20-100	NEW-P	84-15-066
304-12-025	NEW	84-07-020	308-20-105	NEW-P	84-15-066
304-12-125	AMD-P	84-04-089	308-20-110	NEW-E	84-14-063
304-12-125	AMD	84-07-020	308-20-110	NEW-P	84-15-066

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-40-104	AMD	84-11-025	308-50-260	84-10-062	308-93-140	AMD-E	84-13-087	
308-42-010	AMD-P	84-10-060	308-50-260	READOPT	84-14-100	308-93-145	NEW-P	84-10-081
308-42-010	AMD	84-13-057	308-50-270		84-10-062	308-93-145	NEW	84-13-086
308-42-020	REP	84-03-055	308-50-270	READOPT	84-14-100	308-93-145	NEW-E	84-13-087
308-42-030	REP	84-03-055	308-50-280		84-10-062	308-93-146	NEW-P	84-13-082
308-42-035	REP	84-03-055	308-50-280	READOPT	84-14-100	308-93-146	NEW-E	84-13-087
308-42-040	AMD	84-03-055	308-50-290		84-10-062	308-93-150	AMD-P	84-10-081
308-42-045	AMD-P	84-10-060	308-50-290	READOPT	84-14-100	308-93-150	AMD	84-13-086
308-42-045	AMD-P	84-13-058	308-50-295		84-10-062	308-93-150	AMD-E	84-13-087
308-42-050	REP	84-03-055	308-50-295	READOPT	84-14-100	308-93-155	NEW-P	84-10-081
308-42-055	REP	84-03-055	308-52-100	AMD-P	84-12-090	308-93-155	NEW	84-13-086
308-42-060	AMD-P	84-10-060	308-52-100	AMD	84-15-068	308-93-155	NEW-E	84-13-087
308-42-060	AMD-P	84-13-058	308-52-138	AMD-P	84-15-067	308-93-160	AMD-P	84-10-081
308-42-070	AMD	84-03-055	308-52-254	NEW-P	84-15-067	308-93-160	AMD	84-13-086
308-42-120	AMD	84-03-055	308-52-255	AMD-P	84-12-090	308-93-160	AMD-E	84-13-087
308-42-125	NEW-P	84-10-060	308-52-255	AMD-P	84-15-067	308-93-165	NEW-P	84-10-081
308-42-125	NEW	84-13-057	308-52-255	AMD	84-15-068	308-93-165	NEW	84-13-086
308-42-130	NEW-P	84-10-060	308-52-502	AMD-P	84-15-067	308-93-165	NEW-E	84-13-087
308-42-130	NEW	84-13-057	308-53-030	AMD-P	84-05-069	308-93-215	NEW-P	84-10-081
308-42-135	NEW-P	84-10-060	308-53-030	AMD	84-09-082	308-93-215	NEW	84-13-086
308-42-135	NEW-P	84-13-058	308-53-085	AMD-P	84-05-069	308-93-215	NEW-E	84-13-087
308-42-140	NEW-P	84-10-060	308-53-085	AMD	84-09-082	308-93-225	NEW-P	84-10-081
308-42-140	NEW	84-13-057	308-53-120	AMD-P	84-05-069	308-93-225	NEW	84-13-086
308-42-145	NEW-P	84-10-060	308-53-120	AMD	84-09-082	308-93-225	NEW-E	84-13-087
308-42-145	NEW-P	84-13-058	308-53-190	REP-P	84-05-069	308-93-260	AMD-P	84-10-081
308-42-150	NEW-P	84-10-060	308-53-190	REP	84-09-082	308-93-260	AMD	84-13-086
308-42-150	NEW	84-13-057	308-53-211	NEW-P	84-12-089	308-93-260	AMD-E	84-13-087
308-42-155	NEW-P	84-10-060	308-54-140	AMD-P	84-04-086	308-93-270	AMD-P	84-10-081
308-42-155	NEW	84-13-057	308-54-140	AMD	84-07-051	308-93-270	AMD	84-13-086
308-42-160	NEW-P	84-10-060	308-54-150	AMD-P	84-04-086	308-93-270	AMD-E	84-13-087
308-42-160	NEW-P	84-13-058	308-54-150	AMD	84-07-051	308-93-290	AMD-P	84-10-081
308-42-200	NEW-P	84-13-083	308-78-010	AMD-P	84-06-066	308-93-290	AMD	84-13-086
308-48-145	NEW-P	84-08-061	308-78-040	AMD-P	84-06-066	308-93-290	AMD-E	84-13-087
308-48-145	NEW	84-11-059	308-78-045	AMD-P	84-06-066	308-93-310	AMD-P	84-10-081
308-50-010	AMD-E	84-03-018	308-78-050	AMD-P	84-06-066	308-93-310	AMD	84-13-086
308-50-010	AMD-P	84-04-048	308-78-070	AMD-P	84-06-066	308-93-310	AMD-E	84-13-087
308-50-010	AMD	84-08-062	308-93-010	AMD-P	84-10-081	308-93-350	AMD-P	84-10-081
308-50-020	AMD-E	84-03-018	308-93-010	AMD-P	84-13-082	308-93-350	AMD	84-13-086
308-50-020	AMD-P	84-04-048	308-93-010	AMD-E	84-13-087	308-93-350	AMD-E	84-13-087
308-50-020	AMD-P	84-10-059	308-93-020	AMD-P	84-10-081	308-93-360	AMD-P	84-10-081
308-50-020	AMD-P	84-14-097	308-93-020	AMD	84-13-086	308-93-360	AMD	84-13-086
308-50-050	REP-P	84-04-048	308-93-020	AMD-E	84-13-087	308-93-360	AMD-E	84-13-087
308-50-050	REP	84-08-062	308-93-030	AMD-P	84-10-081	308-93-500	AMD-P	84-10-081
308-50-090	AMD-E	84-03-018	308-93-030	AMD-P	84-13-082	308-93-500	AMD	84-13-086
308-50-090	AMD-P	84-04-048	308-93-030	AMD-E	84-13-087	308-93-500	AMD-E	84-13-087
308-50-090	AMD-P	84-14-096	308-93-040	AMD-P	84-10-081	308-93-560	AMD-P	84-10-081
308-50-100	AMD-P	84-04-048	308-93-040	AMD-P	84-13-082	308-93-560	AMD	84-13-086
308-50-100	AMD	84-08-062	308-93-040	AMD-E	84-13-087	308-93-560	AMD-E	84-13-087
308-50-110	AMD-P	84-04-048	308-93-050	AMD-P	84-10-081	308-93-610	REP-P	84-10-081
308-50-110	AMD-P	84-10-059	308-93-050	AMD-P	84-13-082	308-93-610	REP	84-13-086
308-50-110	AMD-P	84-14-097	308-93-050	AMD-E	84-13-087	308-93-640	AMD-P	84-10-081
308-50-120	AMD-P	84-04-048	308-93-060	AMD-P	84-10-081	308-93-640	AMD-P	84-13-082
308-50-120	AMD	84-08-062	308-93-060	AMD-P	84-13-082	308-93-640	AMD-E	84-13-087
308-50-130	AMD-P	84-14-096	308-93-060	AMD-E	84-13-087	308-93-650	NEW-P	84-06-056
308-50-140		84-10-062	308-93-070	AMD-P	84-10-081	308-93-650	NEW	84-11-060
308-50-140	READOPT	84-14-100	308-93-070	AMD	84-13-086	308-96A-310	NEW-E	84-13-063
308-50-150		84-14-096	308-93-070	AMD-E	84-13-087	308-96A-310	NEW-P	84-13-065
308-50-160		84-10-062	308-93-075	NEW-P	84-10-081	308-96A-315	NEW-E	84-13-063
308-50-160	READOPT	84-14-100	308-93-075	NEW	84-13-086	308-96A-315	NEW-P	84-13-065
308-50-170		84-10-062	308-93-075	NEW-E	84-13-087	308-96A-320	NEW-E	84-13-063
308-50-170	READOPT	84-14-100	308-93-080	AMD-P	84-10-081	308-96A-320	NEW-P	84-13-065
308-50-180		84-10-062	308-93-080	AMD	84-13-086	308-96A-325	NEW-E	84-13-063
308-50-180	READOPT	84-14-100	308-93-080	AMD-E	84-13-087	308-96A-325	NEW-P	84-13-065
308-50-190		84-10-062	308-93-085	NEW-P	84-10-081	308-96A-330	NEW-E	84-13-063
308-50-190	READOPT	84-14-100	308-93-085	NEW	84-13-086	308-96A-330	NEW-P	84-13-065
308-50-200		84-10-062	308-93-085	NEW-E	84-13-087	308-96A-335	NEW-E	84-13-063
308-50-200	READOPT	84-14-100	308-93-090	AMD-P	84-10-081	308-96A-335	NEW-P	84-13-065
308-50-210		84-10-062	308-93-090	AMD-P	84-13-082	308-96A-345	NEW-E	84-13-062
308-50-210	READOPT	84-14-100	308-93-090	AMD-E	84-13-087	308-96A-345	NEW-P	84-13-064
308-50-220	AMD-P	84-10-062	308-93-110	AMD-P	84-10-081	308-96A-350	NEW-E	84-13-062
308-50-220	AMD	84-14-100	308-93-110	AMD	84-13-086	308-96A-350	NEW-P	84-13-064
308-50-230		84-10-062	308-93-110	AMD-E	84-13-087	308-96A-355	NEW-E	84-13-062
308-50-230	READOPT	84-14-100	308-93-135	NEW-P	84-10-081	308-96A-355	NEW-P	84-13-064
308-50-240		84-10-062	308-93-135	NEW	84-13-086	308-96A-360	NEW-E	84-13-062
308-50-240	READOPT	84-14-100	308-93-135	NEW-E	84-13-087	308-96A-360	NEW-P	84-13-064
308-50-250		84-10-062	308-93-140	AMD-P	84-10-081	308-96A-365	NEW-E	84-13-062
308-50-250	READOPT	84-14-100	308-93-140	AMD	84-13-086	308-96A-365	NEW-P	84-13-064

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-96A-370	NEW-E	84-13-062	315-11-112	NEW	84-09-008
308-96A-370	NEW-P	84-13-064	315-11-120	NEW-P	84-07-053
308-96A-375	NEW-E	84-13-062	315-11-120	NEW-E	84-09-009
308-96A-375	NEW-P	84-13-064	315-11-120	NEW-P	84-09-085
308-96A-380	NEW-E	84-13-062	315-11-120	NEW	84-12-057
308-96A-380	NEW-P	84-13-064	315-11-121	NEW-P	84-07-053
308-138-200	AMD	84-05-011	315-11-121	NEW-E	84-09-009
308-138A-025	AMD	84-05-011	315-11-121	NEW-P	84-09-085
308-138B-120	REP	84-05-011	315-11-121	NEW	84-12-057
308-138B-165	NEW	84-05-011	315-11-122	NEW-P	84-07-053
308-138B-170	AMD	84-05-011	315-11-122	NEW-E	84-09-009
314-12-160	REP-P	84-09-062	315-11-122	NEW-P	84-09-085
314-12-160	REP-E	84-09-063	315-11-122	NEW	84-12-057
314-12-160	REP	84-11-093	315-11-130	NEW-P	84-12-056
314-12-170	NEW-P	84-15-028	315-11-130	NEW-E	84-12-070
314-16-040	AMD-P	84-09-022	315-11-131	NEW-P	84-12-056
314-16-040	AMD	84-11-092	315-11-131	NEW-E	84-12-070
314-16-110	AMD	84-02-066	315-11-132	NEW-P	84-12-056
314-16-110	AMD-P	84-12-075	315-11-132	NEW-E	84-12-070
314-16-110	AMD	84-15-061	315-12-030	AMD	84-05-008
314-16-200	AMD-W	84-03-019	315-30-020	AMD-E	84-15-042
314-16-200	AMD-P	84-07-052	315-30-030	AMD-E	84-15-042
314-16-200	AMD-W	84-09-077	315-30-040	AMD-E	84-15-042
314-16-200	AMD-P	84-12-076	315-30-080	NEW	84-05-008
314-16-200	AMD-C	84-15-027	315-30-090	NEW	84-05-008
314-16-205	NEW-P	84-06-063	315-31-020	AMD-E	84-15-042
314-16-205	NEW	84-09-024	315-32	NEW-C	84-12-055
314-18-040	AMD-P	84-06-064	315-32-010	NEW-P	84-09-084
314-18-040	AMD	84-09-025	315-32-010	NEW-E	84-12-070
314-20-010	AMD-P	84-06-062	315-32-020	NEW-P	84-09-084
314-20-010	AMD	84-09-023	315-32-020	NEW-E	84-12-070
314-24-110	AMD-P	84-06-062	315-32-030	NEW-P	84-09-084
314-24-110	AMD	84-09-023	315-32-030	NEW-E	84-12-070
314-38-020	AMD-P	84-11-039	315-32-040	NEW-P	84-09-084
314-38-020	AMD	84-14-028	315-32-040	NEW-E	84-12-070
315-04-070	AMD-E	84-06-045	315-32-050	NEW-P	84-09-084
315-04-070	AMD-E	84-09-009	315-32-050	NEW-E	84-12-070
315-04-070	AMD-P	84-09-085	315-32-060	NEW-P	84-09-084
315-04-070	AMD	84-12-057	315-32-060	NEW-E	84-12-070
315-04-120	AMD-P	84-05-050	316-02-001	NEW-P	84-04-081
315-04-120	AMD-E	84-06-045	316-02-001	NEW	84-07-037
315-04-120	AMD	84-09-008	316-02-003	NEW-P	84-04-081
315-04-120	AMD-P	84-09-085	316-02-003	NEW	84-07-037
315-04-120	AMD-E	84-11-012	316-02-007	NEW-P	84-04-081
315-04-120	AMD	84-12-057	316-02-007	NEW	84-07-037
315-04-132	NEW-E	84-06-045	316-02-010	NEW-P	84-04-081
315-04-132	NEW-P	84-09-085	316-02-010	NEW	84-07-037
315-04-132	NEW-E	84-11-012	316-02-020	NEW-P	84-04-081
315-04-132	NEW	84-12-057	316-02-020	NEW	84-07-037
315-04-133	NEW-E	84-06-045	316-02-030	NEW-P	84-04-081
315-04-133	NEW-P	84-09-085	316-02-030	NEW	84-07-037
315-04-133	NEW-E	84-11-012	316-02-040	NEW-P	84-04-081
315-04-133	NEW	84-12-057	316-02-040	NEW	84-07-037
315-04-134	NEW-P	84-09-085	316-02-100	NEW-P	84-04-081
315-04-134	NEW-E	84-11-012	316-02-100	NEW	84-07-037
315-04-134	NEW	84-12-057	316-02-103	NEW-P	84-04-081
315-04-180	AMD	84-05-008	316-02-103	NEW	84-07-037
315-06-120	AMD-P	84-05-050	316-02-105	NEW-P	84-04-081
315-06-120	AMD	84-09-008	316-02-105	NEW	84-07-037
315-06-120	AMD-E	84-15-042	316-02-110	NEW-P	84-04-081
315-06-130	AMD	84-05-008	316-02-110	NEW	84-07-037
315-10-020	AMD	84-05-008	316-02-120	NEW-P	84-04-081
315-10-030	AMD	84-05-008	316-02-120	NEW	84-07-037
315-10-060	AMD	84-05-008	316-02-130	NEW-P	84-04-081
315-11-071	AMD	84-05-008	316-02-130	NEW	84-07-037
315-11-081	AMD	84-05-008	316-02-140	NEW-P	84-04-081
315-11-101	AMD-E	84-03-026	316-02-140	NEW	84-07-037
315-11-101	AMD-P	84-05-051	316-02-150	NEW-P	84-04-081
315-11-101	AMD	84-09-008	316-02-150	NEW	84-07-037
315-11-110	NEW-P	84-05-052	316-02-160	NEW-P	84-04-081
315-11-110	NEW-E	84-05-053	316-02-160	NEW	84-07-037
315-11-110	NEW	84-09-008	316-02-170	NEW-P	84-04-081
315-11-111	NEW-P	84-05-052	316-02-170	NEW	84-07-037
315-11-111	NEW-E	84-05-053	316-02-180	NEW-P	84-04-081
315-11-111	NEW	84-09-008	316-02-180	NEW	84-07-037
315-11-112	NEW-P	84-05-052	316-02-200	NEW-P	84-04-081
315-11-112	NEW-E	84-05-053	316-02-200	NEW	84-07-037

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
316-07-100	REP	84-07-038	316-25-350	NEW-P	84-04-081
316-07-110	REP-P	84-04-081	316-25-350	NEW	84-07-037
316-07-110	REP	84-07-038	316-25-370	NEW-P	84-04-081
316-07-120	REP-P	84-04-081	316-25-370	NEW	84-07-037
316-07-120	REP	84-07-038	316-25-390	NEW-P	84-04-081
316-07-130	REP-P	84-04-081	316-25-390	NEW	84-07-037
316-07-130	REP	84-07-038	316-25-410	NEW-P	84-04-081
316-07-140	REP-P	84-04-081	316-25-410	NEW	84-07-037
316-07-140	REP	84-07-038	316-25-430	NEW-P	84-04-081
316-07-150	REP-P	84-04-081	316-25-430	NEW	84-07-037
316-07-150	REP	84-07-038	316-25-450	NEW-P	84-04-081
316-07-160	REP-P	84-04-081	316-25-450	NEW	84-07-037
316-07-160	REP	84-07-038	316-25-470	NEW-P	84-04-081
316-07-170	REP-P	84-04-081	316-25-470	NEW	84-07-037
316-07-170	REP	84-07-038	316-25-490	NEW-P	84-04-081
316-07-180	REP-P	84-04-081	316-25-490	NEW	84-07-037
316-07-180	REP	84-07-038	316-25-510	NEW-P	84-04-081
316-07-190	REP-P	84-04-081	316-25-510	NEW	84-07-037
316-07-190	REP	84-07-038	316-25-530	NEW-P	84-04-081
316-07-200	REP-P	84-04-081	316-25-530	NEW	84-07-037
316-07-200	REP	84-07-038	316-25-550	NEW-P	84-04-081
316-07-210	REP-P	84-04-081	316-25-550	NEW	84-07-037
316-07-210	REP	84-07-038	316-25-570	NEW-P	84-04-081
316-07-220	REP-P	84-04-081	316-25-570	NEW	84-07-037
316-07-220	REP	84-07-038	316-25-590	NEW-P	84-04-081
316-07-230	REP-P	84-04-081	316-25-590	NEW	84-07-037
316-07-230	REP	84-07-038	316-25-610	NEW-P	84-04-081
316-07-240	REP-P	84-04-081	316-25-610	NEW	84-07-037
316-07-240	REP	84-07-038	316-25-630	NEW-P	84-04-081
316-07-250	REP-P	84-04-081	316-25-630	NEW	84-07-037
316-07-250	REP	84-07-038	316-25-650	NEW-P	84-04-081
316-07-260	REP-P	84-04-081	316-25-650	NEW	84-07-037
316-07-260	REP	84-07-038	316-25-670	NEW-P	84-04-081
316-07-270	REP-P	84-04-081	316-25-670	NEW	84-07-037
316-07-270	REP	84-07-038	316-35-001	NEW-P	84-04-081
316-07-280	REP-P	84-04-081	316-35-001	NEW	84-07-037
316-07-280	REP	84-07-038	316-35-010	NEW-P	84-04-081
316-07-290	REP-P	84-04-081	316-35-010	NEW	84-07-037
316-07-290	REP	84-07-038	316-35-030	NEW-P	84-04-081
316-07-300	REP-P	84-04-081	316-35-030	NEW	84-07-037
316-07-300	REP	84-07-038	316-35-050	NEW-P	84-04-081
316-25-001	NEW-P	84-04-081	316-35-050	NEW	84-07-037
316-25-001	NEW	84-07-037	316-35-070	NEW-P	84-04-081
316-25-010	NEW-P	84-04-081	316-35-070	NEW	84-07-037
316-25-010	NEW	84-07-037	316-35-090	NEW-P	84-04-081
316-25-030	NEW-P	84-04-081	316-35-090	NEW	84-07-037
316-25-030	NEW	84-07-037	316-35-110	NEW-P	84-04-081
316-25-050	NEW-P	84-04-081	316-35-110	NEW	84-07-037
316-25-050	NEW	84-07-037	316-35-130	NEW-P	84-04-081
316-25-070	NEW-P	84-04-081	316-35-130	NEW	84-07-037
316-25-070	NEW	84-07-037	316-35-150	NEW-P	84-04-081
316-25-090	NEW-P	84-04-081	316-35-150	NEW	84-07-037
316-25-090	NEW	84-07-037	316-35-170	NEW-P	84-04-081
316-25-110	NEW-P	84-04-081	316-35-170	NEW	84-07-037
316-25-110	NEW	84-07-037	316-35-190	NEW-P	84-04-081
316-25-130	NEW-P	84-04-081	316-35-190	NEW	84-07-037
316-25-130	NEW	84-07-037	316-35-210	NEW-P	84-04-081
316-25-150	NEW-P	84-04-081	316-35-210	NEW	84-07-037
316-25-150	NEW	84-07-037	316-35-230	NEW-P	84-04-081
316-25-170	NEW-P	84-04-081	316-35-230	NEW	84-07-037
316-25-170	NEW	84-07-037	316-35-250	NEW-P	84-04-081
316-25-190	NEW-P	84-04-081	316-35-250	NEW	84-07-037
316-25-190	NEW	84-07-037	316-45-001	NEW-P	84-04-081
316-25-210	NEW-P	84-04-081	316-45-001	NEW	84-07-037
316-25-210	NEW	84-07-037	316-45-010	NEW-P	84-04-081
316-25-230	NEW-P	84-04-081	316-45-010	NEW	84-07-037
316-25-230	NEW	84-07-037	316-45-030	NEW-P	84-04-081
316-25-250	NEW-P	84-04-081	316-45-030	NEW	84-07-037
316-25-250	NEW	84-07-037	316-45-050	NEW-P	84-04-081
316-25-270	NEW-P	84-04-081	316-45-050	NEW	84-07-037
316-25-270	NEW	84-07-037	316-45-070	NEW-P	84-04-081
316-25-290	NEW-P	84-04-081	316-45-070	NEW	84-07-037
316-25-290	NEW	84-07-037	316-45-090	NEW-P	84-04-081
316-25-310	NEW-P	84-04-081	316-45-090	NEW	84-07-037
316-25-310	NEW	84-07-037	316-45-110	NEW-P	84-04-081
316-25-330	NEW-P	84-04-081	316-45-110	NEW	84-07-037
316-25-330	NEW	84-07-037	316-45-130	NEW-P	84-04-081

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
316-65-050	NEW-P 84-04-081	326-06-030	NEW 84-09-002	326-20-050	AMD-E 84-05-034
316-65-050	NEW 84-07-037	326-06-040	NEW-P 84-05-033	326-20-050	AMD 84-09-002
316-65-090	NEW-P 84-04-081	326-06-040	NEW-E 84-05-034	326-20-060	AMD-P 84-05-033
316-65-090	NEW 84-07-037	326-06-040	NEW 84-09-002	326-20-060	AMD-E 84-05-034
316-65-110	NEW-P 84-04-081	326-06-050	NEW-P 84-05-033	326-20-060	AMD 84-09-002
316-65-110	NEW 84-07-037	326-06-050	NEW-E 84-05-034	326-20-180	AMD-P 84-05-033
316-65-130	NEW-P 84-04-081	326-06-050	NEW 84-09-002	326-20-180	AMD-E 84-05-034
316-65-130	NEW 84-07-037	326-06-060	NEW-P 84-05-033	326-20-180	AMD 84-09-002
316-65-150	NEW-P 84-04-081	326-06-060	NEW-E 84-05-034	326-20-210	AMD-P 84-05-033
316-65-150	NEW 84-07-037	326-06-060	NEW 84-09-002	326-20-210	AMD-E 84-05-034
316-65-500	NEW-P 84-04-081	326-06-070	NEW-P 84-05-033	326-20-210	AMD 84-09-002
316-65-500	NEW 84-07-037	326-06-070	NEW-E 84-05-034	326-30-010	NEW 84-03-005
316-65-510	NEW-P 84-04-081	326-06-070	NEW 84-09-002	326-30-020	NEW 84-03-005
316-65-510	NEW 84-07-037	326-06-080	NEW-P 84-05-033	326-30-030	NEW 84-03-005
316-65-515	NEW-P 84-04-081	326-06-080	NEW-E 84-05-034	326-30-035	NEW 84-03-005
316-65-515	NEW 84-07-037	326-06-080	NEW 84-09-002	326-30-036	NEW-P 84-14-002
316-65-525	NEW-P 84-04-081	326-06-090	NEW-P 84-05-033	326-30-036	NEW-E 84-14-003
316-65-525	NEW 84-07-037	326-06-090	NEW-E 84-05-034	326-30-040	NEW 84-03-005
316-65-530	NEW-P 84-04-081	326-06-090	NEW 84-09-002	326-30-050	NEW 84-03-005
316-65-530	NEW 84-07-037	326-06-100	NEW-P 84-05-033	326-30-060	NEW 84-03-005
316-65-535	NEW-P 84-04-081	326-06-100	NEW-E 84-05-034	326-30-070	NEW 84-03-005
316-65-535	NEW 84-07-037	326-06-100	NEW 84-09-002	326-30-080	NEW 84-03-005
316-65-540	NEW-P 84-04-081	326-06-110	NEW-P 84-05-033	326-30-090	NEW 84-03-005
316-65-540	NEW 84-07-037	326-06-110	NEW-E 84-05-034	326-30-100	NEW 84-03-005
316-65-545	NEW-P 84-04-081	326-06-110	NEW 84-09-002	326-30-100	AMD-P 84-03-048
316-65-545	NEW 84-07-037	326-06-120	NEW-P 84-05-033	326-30-100	AMD-E 84-03-049
316-65-550	NEW-P 84-04-081	326-06-120	NEW-E 84-05-034	326-30-100	AMD-P 84-05-033
316-65-550	NEW 84-07-037	326-06-120	NEW 84-09-002	326-30-100	AMD-E 84-05-034
316-65-555	NEW-P 84-04-081	326-06-130	NEW-P 84-05-033	326-30-100	AMD 84-06-017
316-65-555	NEW 84-07-037	326-06-130	NEW-E 84-05-034	326-30-100	AMD 84-09-002
316-65-560	NEW-P 84-04-081	326-06-130	NEW 84-09-002	326-30-100	AMD-P 84-14-002
316-65-560	NEW 84-07-037	326-06-140	NEW-P 84-05-033	326-30-100	AMD-E 84-14-003
316-75-001	NEW-P 84-04-081	326-06-140	NEW-E 84-05-034	326-30-110	NEW 84-03-005
316-75-001	NEW 84-07-037	326-06-140	NEW 84-09-002	326-40	NEW-C 84-03-002
316-75-010	NEW-P 84-04-081	326-06-160	NEW-P 84-05-033	326-40-010	NEW-E 84-05-034
316-75-010	NEW 84-07-037	326-06-160	NEW-E 84-05-034	326-40-010	NEW 84-05-054
316-75-030	NEW-P 84-04-081	326-06-160	NEW 84-09-002	326-40-020	NEW-E 84-05-034
316-75-030	NEW 84-07-037	326-08-010	NEW-P 84-05-033	326-40-020	NEW 84-05-054
316-75-050	NEW-P 84-04-081	326-08-010	NEW-E 84-05-034	326-40-100	NEW-P 84-05-033
316-75-050	NEW 84-07-037	326-08-010	NEW 84-09-002	326-40-100	NEW-E 84-05-034
316-75-050	NEW-P 84-04-081	326-08-010	NEW-P 84-05-033	326-40-100	NEW-E 84-05-034
316-75-070	NEW-P 84-04-081	326-08-020	NEW-P 84-05-033	326-40-100	NEW 84-09-002
316-75-070	NEW 84-07-037	326-08-020	NEW-E 84-05-034	330-01	NEW-C 84-07-008
316-75-090	NEW-P 84-04-081	326-08-020	NEW 84-09-002	330-01-010	NEW-P 84-03-041
316-75-090	NEW 84-07-037	326-08-030	NEW-P 84-05-033	330-01-010	NEW-E 84-03-042
316-75-110	NEW-P 84-04-081	326-08-030	NEW-E 84-05-034	330-01-010	NEW 84-07-034
316-75-110	NEW 84-07-037	326-08-030	NEW 84-09-002	330-01-020	NEW-P 84-03-041
316-75-130	NEW-P 84-04-081	326-08-040	NEW-P 84-05-033	330-01-020	NEW-E 84-03-042
316-75-130	NEW 84-07-037	326-08-040	NEW-E 84-05-034	330-01-020	NEW 84-07-034
316-75-150	NEW-P 84-04-081	326-08-040	NEW 84-09-002	330-01-030	NEW-P 84-03-041
316-75-150	NEW 84-07-037	326-08-050	NEW-P 84-05-033	330-01-030	NEW-E 84-03-042
316-75-170	NEW-P 84-04-081	326-08-050	NEW-E 84-05-034	330-01-030	NEW 84-07-034
316-75-170	NEW 84-07-037	326-08-050	NEW 84-09-002	330-01-040	NEW-P 84-03-041
316-75-190	NEW-P 84-04-081	326-08-060	NEW-P 84-05-033	330-01-040	NEW-E 84-03-042
316-75-190	NEW 84-07-037	326-08-060	NEW-E 84-05-034	330-01-040	NEW 84-07-034
316-75-210	NEW-P 84-04-081	326-08-060	NEW 84-09-002	330-01-050	NEW-P 84-03-041
316-75-210	NEW 84-07-037	326-08-070	NEW-P 84-05-033	330-01-050	NEW-E 84-03-042
316-75-230	NEW-P 84-04-081	326-08-070	NEW-E 84-05-034	330-01-050	NEW 84-07-034
316-75-230	NEW 84-07-037	326-08-070	NEW 84-09-002	330-01-060	NEW-P 84-03-041
316-75-250	NEW-P 84-04-081	326-08-080	NEW-P 84-05-033	330-01-060	NEW-E 84-03-042
316-75-250	NEW 84-07-037	326-08-080	NEW-E 84-05-034	330-01-060	NEW 84-07-034
316-75-270	NEW-P 84-04-081	326-08-080	NEW 84-09-002	330-01-070	NEW-P 84-03-041
316-75-270	NEW 84-07-037	326-08-090	NEW-P 84-05-033	330-01-070	NEW-E 84-03-042
316-75-290	NEW-P 84-04-081	326-08-090	NEW-E 84-05-034	330-01-070	NEW 84-07-034
316-75-290	NEW 84-07-037	326-08-090	NEW 84-09-002	330-01-080	NEW-P 84-03-041
316-75-310	NEW-P 84-04-081	326-08-100	NEW-P 84-05-033	330-01-080	NEW-E 84-03-042
316-75-310	NEW 84-07-037	326-08-100	NEW-E 84-05-034	330-01-080	NEW 84-07-034
326-02-030	AMD-P 84-05-033	326-08-100	NEW 84-09-002	330-01-090	NEW-P 84-03-041
326-02-030	AMD-E 84-05-034	326-08-110	NEW-P 84-05-033	330-01-090	NEW-E 84-03-042
326-02-030	AMD 84-09-002	326-08-110	NEW-E 84-05-034	330-01-090	NEW 84-07-034
326-06-010	NEW-P 84-05-033	326-08-110	NEW 84-09-002	332-21-010	NEW-P 84-13-039
326-06-010	NEW-E 84-05-034	326-08-120	NEW-P 84-05-033	332-21-020	NEW-P 84-13-039
326-06-010	NEW 84-09-002	326-08-120	NEW-E 84-05-034	332-21-030	NEW-P 84-13-039
326-06-020	NEW-P 84-05-033	326-08-120	NEW 84-09-002	332-21-040	NEW-P 84-13-039
326-06-020	NEW-E 84-05-034	326-08-130	NEW-P 84-05-033	332-21-050	NEW-P 84-13-039
326-06-030	NEW-P 84-05-033	326-08-130	NEW-E 84-05-034	332-22-010	AMD-P 84-13-040
326-06-030	NEW-E 84-05-034	326-08-130	NEW 84-09-002	332-22-020	AMD-P 84-13-040
326-06-030	NEW-E 84-05-034	326-20-050	AMD-P 84-05-033	332-22-030	AMD-P 84-13-040

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
332-22-040	AMD-P	84-13-040	332-40-425	REP-P	84-13-066
332-22-050	AMD-P	84-13-040	332-40-440	REP-P	84-13-066
332-22-060	AMD-P	84-13-040	332-40-442	REP-P	84-13-066
332-22-070	AMD-P	84-13-040	332-40-444	REP-P	84-13-066
332-22-080	AMD-P	84-13-040	332-40-446	REP-P	84-13-066
332-22-090	AMD-P	84-13-040	332-40-450	REP-P	84-13-066
332-22-100	AMD-P	84-13-040	332-40-455	REP-P	84-13-066
332-22-103	NEW-P	84-13-040	332-40-460	REP-P	84-13-066
332-22-105	NEW-P	84-13-040	332-40-465	REP-P	84-13-066
332-22-110	AMD-P	84-13-040	332-40-470	REP-P	84-13-066
332-22-120	AMD-P	84-13-040	332-40-480	REP-P	84-13-066
332-22-130	AMD-P	84-13-040	332-40-485	REP-P	84-13-066
332-22-140	AMD-P	84-13-040	332-40-490	REP-P	84-13-066
332-22-150	AMD-P	84-13-040	332-40-495	REP-P	84-13-066
332-26-010	NEW-E	84-09-014	332-40-500	REP-P	84-13-066
332-26-015	NEW-E	84-11-053	332-40-520	REP-P	84-13-066
332-26-020	NEW-E	84-15-011	332-40-530	REP-P	84-13-066
332-26-030	NEW-E	84-15-011	332-40-535	REP-P	84-13-066
332-26-040	NEW-E	84-15-011	332-40-540	REP-P	84-13-066
332-26-050	NEW-E	84-15-011	332-40-545	REP-P	84-13-066
332-26-060	NEW-E	84-15-011	332-40-570	REP-P	84-13-066
332-30-106	AMD-P	84-15-070	332-40-580	REP-P	84-13-066
332-30-108	NEW-P	84-06-068	332-40-600	REP-P	84-13-066
332-30-108	NEW-C	84-11-027	332-40-650	REP-P	84-13-066
332-30-114	NEW-P	84-15-070	332-40-652	REP-P	84-13-066
332-30-122	NEW-P	84-15-070	332-40-660	REP-P	84-13-066
332-30-123	NEW-P	84-15-070	332-40-690	REP-P	84-13-066
332-30-124	REP-P	84-15-070	332-40-695	REP-P	84-13-066
332-30-125	AMD-P	84-15-070	332-40-700	REP-P	84-13-066
332-30-145	AMD-P	84-15-070	332-40-710	REP-P	84-13-066
332-40-010	REP-P	84-13-066	332-40-800	REP-P	84-13-066
332-40-020	REP-P	84-13-066	332-40-830	REP-P	84-13-066
332-40-025	REP-P	84-13-066	332-40-840	REP-P	84-13-066
332-40-030	REP-P	84-13-066	332-40-910	REP-P	84-13-066
332-40-035	REP-P	84-13-066	332-41-010	NEW-P	84-13-066
332-40-037	REP-P	84-13-066	332-41-020	NEW-P	84-13-066
332-40-040	REP-P	84-13-066	332-41-030	NEW-P	84-13-066
332-40-045	REP-P	84-13-066	332-41-040	NEW-P	84-13-066
332-40-050	REP-P	84-13-066	332-41-055	NEW-P	84-13-066
332-40-055	REP-P	84-13-066	332-41-310	NEW-P	84-13-066
332-40-060	REP-P	84-13-066	332-41-350	NEW-P	84-13-066
332-40-100	REP-P	84-13-066	332-41-420	NEW-P	84-13-066
332-40-160	REP-P	84-13-066	332-41-504	NEW-P	84-13-066
332-40-170	REP-P	84-13-066	332-41-508	NEW-P	84-13-066
332-40-175	REP-P	84-13-066	332-41-510	NEW-P	84-13-066
332-40-177	REP-P	84-13-066	332-41-665	NEW-P	84-13-066
332-40-180	REP-P	84-13-066	332-41-833	NEW-P	84-13-066
332-40-190	REP-P	84-13-066	332-41-910	NEW-P	84-13-066
332-40-200	REP-P	84-13-066	332-41-920	NEW-P	84-13-066
332-40-203	REP-P	84-13-066	332-41-950	NEW-P	84-13-066
332-40-205	REP-P	84-13-066	332-41-960	NEW-P	84-13-066
332-40-210	REP-P	84-13-066	332-41-970	NEW-P	84-13-066
332-40-215	REP-P	84-13-066	332-41-980	NEW-P	84-13-066
332-40-220	REP-P	84-13-066	332-41-985	NEW-P	84-13-066
332-40-225	REP-P	84-13-066	332-41-990	NEW-P	84-13-066
332-40-230	REP-P	84-13-066	332-54-010	NEW-E	84-13-034
332-40-240	REP-P	84-13-066	332-54-020	NEW-E	84-13-034
332-40-245	REP-P	84-13-066	332-54-030	NEW-E	84-13-034
332-40-260	REP-P	84-13-066	335-06	NEW-C	84-11-073
332-40-300	REP-P	84-13-066	335-06-010	NEW-P	84-10-035
332-40-305	REP-P	84-13-066	335-06-010	NEW-E	84-10-036
332-40-310	REP-P	84-13-066	335-06-010	NEW	84-14-001
332-40-315	REP-P	84-13-066	335-06-020	NEW-P	84-10-035
332-40-320	REP-P	84-13-066	335-06-020	NEW-E	84-10-036
332-40-330	REP-P	84-13-066	335-06-020	NEW	84-14-001
332-40-340	REP-P	84-13-066	335-06-030	NEW-P	84-10-035
332-40-345	REP-P	84-13-066	335-06-030	NEW-E	84-10-036
332-40-350	REP-P	84-13-066	335-06-030	NEW	84-14-001
332-40-355	REP-P	84-13-066	335-06-040	NEW-P	84-10-035
332-40-360	REP-P	84-13-066	335-06-040	NEW-E	84-10-036
332-40-365	REP-P	84-13-066	335-06-040	NEW	84-14-001
332-40-370	REP-P	84-13-066	335-06-050	NEW-P	84-10-035
332-40-375	REP-P	84-13-066	335-06-050	NEW-E	84-10-036
332-40-400	REP-P	84-13-066	335-06-050	NEW	84-14-001
332-40-405	REP-P	84-13-066	335-06-060	NEW-P	84-10-035
332-40-410	REP-P	84-13-066	335-06-060	NEW-E	84-10-036
332-40-420	REP-P	84-13-066	335-06-060	NEW	84-14-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
356-05-020	NEW-P 84-14-081	356-05-435	NEW-P 84-14-081	356-18-140	AMD-P 84-14-081
356-05-025	NEW-P 84-14-081	356-05-440	NEW-P 84-14-081	356-22-070	AMD-P 84-10-038
356-05-030	NEW-P 84-14-081	356-05-445	NEW-P 84-14-081	356-22-070	AMD-E 84-10-053
356-05-035	NEW-P 84-14-081	356-05-450	NEW-P 84-14-081	356-22-070	AMD 84-14-006
356-05-040	NEW-P 84-14-081	356-05-455	NEW-P 84-14-081	356-22-220	AMD-P 84-10-038
356-05-045	NEW-P 84-14-081	356-05-460	NEW-P 84-14-081	356-22-220	AMD 84-14-006
356-05-050	NEW-P 84-14-081	356-05-465	NEW-P 84-14-081	356-26-030	AMD-P 84-06-049
356-05-055	NEW-P 84-14-081	356-05-470	NEW-P 84-14-081	356-26-030	AMD-C 84-09-049
356-05-060	NEW-P 84-14-081	356-05-475	NEW-P 84-14-081	356-26-030	AMD-P 84-10-038
356-05-065	NEW-P 84-14-081	356-05-480	NEW-P 84-14-081	356-26-030	AMD-E 84-10-053
356-05-070	NEW-P 84-14-081	356-05-485	NEW-P 84-14-081	356-26-030	AMD 84-11-091
356-05-075	NEW-P 84-14-081	356-05-490	NEW-P 84-14-081	356-26-030	AMD 84-14-006
356-05-080	NEW-P 84-14-081	356-05-495	NEW-P 84-14-081	356-26-060	AMD-P 84-12-080
356-05-085	NEW-P 84-14-081	356-05-500	NEW-P 84-14-081	356-26-060	AMD-C 84-15-037
356-05-090	NEW-P 84-14-081	356-05-505	NEW-P 84-14-081	356-26-070	AMD-P 84-06-049
356-05-095	NEW-P 84-14-081	356-06-010	AMD-E 84-04-021	356-26-070	AMD-C 84-09-049
356-05-100	NEW-P 84-14-081	356-06-010	AMD-P 84-04-073	356-26-070	AMD 84-11-091
356-05-105	NEW-P 84-14-081	356-06-010	AMD-P 84-06-049	356-30-065	NEW-C 84-04-019
356-05-110	NEW-P 84-14-081	356-06-010	AMD-C 84-07-003	356-30-065	NEW-C 84-07-003
356-05-115	NEW-P 84-14-081	356-06-010	AMD-C 84-09-049	356-30-065	NEW-C 84-09-049
356-05-120	NEW-P 84-14-081	356-06-010	AMD-E 84-10-007	356-30-065	NEW 84-12-079
356-05-125	NEW-P 84-14-081	356-06-010	AMD-P 84-10-038	356-30-080	AMD-P 84-04-073
356-05-130	NEW-P 84-14-081	356-06-010	AMD 84-11-003	356-30-080	AMD-C 84-07-003
356-05-135	NEW-P 84-14-081	356-06-010	AMD 84-12-079	356-30-080	AMD-C 84-09-049
356-05-140	NEW-P 84-14-081	356-06-010	AMD 84-14-006	356-30-080	AMD 84-12-079
356-05-145	NEW-P 84-14-081	356-06-010	AMD-E 84-14-062	356-30-130	AMD-E 84-04-021
356-05-150	NEW-P 84-14-081	356-06-010	REP-P 84-14-081	356-30-130	AMD-P 84-04-073
356-05-155	NEW-P 84-14-081	356-06-020	AMD-E 84-14-062	356-30-130	AMD-C 84-07-003
356-05-160	NEW-P 84-14-081	356-06-020	AMD-P 84-14-082	356-30-130	AMD-E 84-10-007
356-05-165	NEW-P 84-14-081	356-06-050	AMD-P 84-06-049	356-30-130	AMD 84-10-054
356-05-170	NEW-P 84-14-081	356-06-050	AMD-C 84-09-049	356-30-145	AMD-P 84-08-035
356-05-175	NEW-P 84-14-081	356-06-050	AMD 84-11-091	356-30-145	AMD-C 84-12-026
356-05-180	NEW-P 84-14-081	356-06-055	AMD-P 84-06-049	356-30-145	AMD-C 84-14-005
356-05-185	NEW-P 84-14-081	356-06-055	AMD-C 84-09-049	356-30-230	AMD-P 84-06-049
356-05-190	NEW-P 84-14-081	356-06-055	AMD 84-11-091	356-30-230	AMD 84-10-054
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356-05-205	NEW-P 84-14-081	356-10-040	AMD-P 84-12-080	356-30-300	AMD-E 84-14-062
356-05-210	NEW-P 84-14-081	356-10-040	AMD-C 84-15-037	356-30-300	AMD-P 84-14-082
356-05-213	NEW-P 84-14-081	356-10-045	NEW-P 84-12-080	356-30-302	NEW-E 84-14-062
356-05-215	NEW-P 84-14-081	356-10-045	NEW-C 84-15-037	356-30-302	NEW-P 84-14-082
356-05-220	NEW-P 84-14-081	356-10-050	AMD-P 84-12-080	356-30-305	AMD-P 84-06-049
356-05-222	NEW-P 84-14-081	356-10-050	AMD-C 84-15-037	356-30-305	AMD-C 84-09-049
356-05-225	NEW-P 84-14-081	356-14-110	AMD-E 84-14-062	356-30-305	AMD 84-11-091
356-05-230	NEW-P 84-14-081	356-14-110	AMD-P 84-14-082	356-30-320	AMD-P 84-06-049
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356-05-310	NEW-P 84-14-081	356-15-060	AMD-E 84-04-020	356-46-130	AMD-P 84-06-049
356-05-315	NEW-P 84-14-081	356-15-060	AMD 84-05-024	356-46-130	AMD 84-10-054
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356-05-325	NEW-P 84-14-081	356-15-060	AMD-E 84-12-030	356-49-010	NEW-C 84-09-049
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356-05-340	NEW-P 84-14-081	356-15-100	AMD-P 84-08-035	356-49-020	NEW-C 84-09-049
356-05-345	NEW-P 84-14-081	356-15-100	AMD 84-12-079	356-49-020	NEW 84-11-091
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356-05-355	NEW-P 84-14-081	356-15-110	AMD 84-12-079	356-49-030	NEW-C 84-09-049
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356-05-390	NEW-P 84-14-081	356-18-090	AMD-C 84-07-003	360-16-025	NEW-E 84-08-082
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356-05-410	NEW-P 84-14-081	356-18-100	AMD-P 84-10-038	360-16-230	AMD 84-03-015
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388-08-408	REP	84-05-040	388-28-438	NEW	84-07-019
388-08-409	AMD	84-05-040	388-28-440	AMD-P	84-04-003
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392-121-129	NEW-E	84-14-052	392-126-130	NEW-E	84-14-051
392-121-129	NEW-P	84-14-056	392-126-130	NEW-P	84-14-055
392-121-131	NEW-E	84-14-052	392-126-135	NEW-E	84-14-051
392-121-131	NEW-P	84-14-056	392-126-135	NEW-P	84-14-055
392-121-195	AMD-P	84-10-076	392-126-200	NEW-E	84-14-051
392-121-195	AMD	84-13-019	392-126-200	NEW-P	84-14-055
392-122	NEW-C	84-11-077	392-126-205	NEW-E	84-14-051
392-122-005	NEW-P	84-10-065	392-126-205	NEW-P	84-14-055
392-122-005	NEW	84-13-020	392-126-210	NEW-E	84-14-051
392-122-010	NEW-P	84-10-065	392-126-210	NEW-P	84-14-055
392-122-010	NEW	84-13-020	392-126-215	NEW-E	84-14-051
392-122-600	NEW-P	84-10-065	392-126-215	NEW-P	84-14-055
392-122-600	NEW	84-13-020	392-126-220	NEW-E	84-14-051
392-122-605	NEW-P	84-10-065	392-126-220	NEW-P	84-14-055
392-122-605	NEW	84-13-020	392-126-225	NEW-E	84-14-051
392-122-610	NEW-P	84-10-065	392-126-225	NEW-P	84-14-055
392-122-610	NEW	84-13-020	392-126-230	NEW-E	84-14-051
392-122-700	NEW-P	84-10-065	392-126-230	NEW-P	84-14-055
392-122-700	NEW	84-13-020	392-126-235	NEW-E	84-14-051
392-122-705	NEW-P	84-10-065	392-126-235	NEW-P	84-14-055
392-122-705	NEW	84-13-020	392-126-240	NEW-E	84-14-051
392-122-710	NEW-P	84-10-065	392-126-240	NEW-P	84-14-055
392-122-710	NEW	84-13-020	392-126-245	NEW-E	84-14-051
392-122-800	NEW-P	84-10-065	392-126-245	NEW-P	84-14-055
392-122-800	NEW	84-13-020	392-126-250	NEW-E	84-14-051
392-122-805	NEW-P	84-10-065	392-126-250	NEW-P	84-14-055
392-122-805	NEW	84-13-020	392-126-255	NEW-E	84-14-051
392-122-810	NEW-P	84-10-065	392-126-255	NEW-P	84-14-055
392-122-810	NEW	84-13-020	392-126-260	NEW-E	84-14-051
392-122-900	NEW-P	84-10-065	392-126-260	NEW-P	84-14-055
392-122-900	NEW	84-13-020	392-126-265	NEW-E	84-14-051
392-122-905	NEW-P	84-10-065	392-126-265	NEW-P	84-14-055
392-122-905	NEW	84-13-020	392-126-270	NEW-E	84-14-051
392-123	AMD-C	84-11-078	392-126-270	NEW-P	84-14-055
392-123-054	AMD-P	84-10-066	392-126-275	NEW-E	84-14-051
392-123-054	AMD	84-13-021	392-126-275	NEW-P	84-14-055
392-123-071	AMD-P	84-10-066	392-126-280	NEW-E	84-14-051
392-123-071	AMD	84-13-021	392-126-280	NEW-P	84-14-055

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392-126-830	NEW-P 84-14-055	392-127-380	NEW-E 84-14-050	392-132	NEW-C 84-11-081
392-127-005	NEW-E 84-14-050	392-127-380	NEW-P 84-14-054	392-132-010	NEW-P 84-10-069
392-127-005	NEW-P 84-14-054	392-127-385	NEW-E 84-14-050	392-132-010	NEW 84-13-024
392-127-010	NEW-E 84-14-050	392-127-385	NEW-P 84-14-054	392-132-020	NEW-P 84-10-069
392-127-010	NEW-P 84-14-054	392-127-390	NEW-E 84-14-050	392-132-020	NEW 84-13-024
392-127-100	NEW-E 84-14-050	392-127-390	NEW-P 84-14-054	392-132-030	NEW-P 84-10-069
392-127-100	NEW-P 84-14-054	392-127-395	NEW-E 84-14-050	392-132-030	NEW 84-13-024
392-127-105	NEW-E 84-14-050	392-127-395	NEW-P 84-14-054	392-132-040	NEW-P 84-10-069
392-127-105	NEW-P 84-14-054	392-127-396	NEW-E 84-14-050	392-132-040	NEW 84-13-024
392-127-110	NEW-E 84-14-050	392-127-396	NEW-P 84-14-054	392-132-050	NEW-P 84-10-069
392-127-110	NEW-P 84-14-054	392-127-500	NEW-E 84-14-050	392-132-050	NEW 84-13-024
392-127-200	NEW-E 84-14-050	392-127-500	NEW-P 84-14-054	392-132-060	NEW-P 84-10-069
392-127-200	NEW-P 84-14-054	392-127-505	NEW-E 84-14-050	392-132-060	NEW 84-13-024
392-127-205	NEW-E 84-14-050	392-127-505	NEW-P 84-14-054	392-132-070	NEW-P 84-10-069
392-127-205	NEW-P 84-14-054	392-127-510	NEW-E 84-14-050	392-132-070	NEW 84-13-024
392-127-210	NEW-E 84-14-050	392-127-510	NEW-P 84-14-054	392-136-003	NEW 84-04-034
392-127-210	NEW-P 84-14-054	392-127-515	NEW-E 84-14-050	392-136-005	AMD 84-04-034
392-127-215	NEW-E 84-14-050	392-127-515	NEW-P 84-14-054	392-136-010	AMD 84-04-034
392-127-215	NEW-P 84-14-054	392-127-520	NEW-E 84-14-050	392-136-015	AMD 84-04-034
392-127-225	NEW-E 84-14-050	392-127-520	NEW-P 84-14-054	392-136-020	AMD 84-04-034
392-127-225	NEW-P 84-14-054	392-127-525	NEW-E 84-14-050	392-136-060	NEW 84-04-034
392-127-235	NEW-E 84-14-050	392-127-525	NEW-P 84-14-054	392-136-065	NEW 84-04-034
392-127-235	NEW-P 84-14-054	392-127-530	NEW-E 84-14-050	392-136-070	NEW 84-04-034
392-127-240	NEW-E 84-14-050	392-127-530	NEW-P 84-14-054	392-136-075	NEW 84-04-034
392-127-240	NEW-P 84-14-054	392-127-535	NEW-E 84-14-050	392-136-085	NEW 84-04-034
392-127-245	NEW-E 84-14-050	392-127-535	NEW-P 84-14-054	392-138	AMD-C 84-11-082
392-127-245	NEW-P 84-14-054	392-127-540	NEW-E 84-14-050	392-138-003	NEW-P 84-10-070
392-127-250	NEW-E 84-14-050	392-127-540	NEW-P 84-14-054	392-138-003	NEW 84-13-025
392-127-250	NEW-P 84-14-054	392-127-545	NEW-E 84-14-050	392-138-010	AMD-P 84-10-070
392-127-255	NEW-E 84-14-050	392-127-545	NEW-P 84-14-054	392-138-010	AMD 84-13-025
392-127-255	NEW-P 84-14-054	392-127-550	NEW-E 84-14-050	392-138-012	NEW-P 84-10-070
392-127-260	NEW-E 84-14-050	392-127-550	NEW-P 84-14-054	392-138-012	NEW 84-13-025
392-127-260	NEW-P 84-14-054	392-127-555	NEW-E 84-14-050	392-138-015	REP-P 84-10-070
392-127-265	NEW-E 84-14-050	392-127-555	NEW-P 84-14-054	392-138-015	REP 84-13-025
392-127-265	NEW-P 84-14-054	392-127-560	NEW-E 84-14-050	392-138-016	NEW-P 84-10-070
392-127-270	NEW-E 84-14-050	392-127-560	NEW-P 84-14-054	392-138-016	NEW 84-13-025
392-127-270	NEW-P 84-14-054	392-127-565	NEW-E 84-14-050	392-138-020	REP-P 84-10-070
392-127-275	NEW-E 84-14-050	392-127-565	NEW-P 84-14-054	392-138-020	REP 84-13-025
392-127-275	NEW-P 84-14-054	392-127-570	NEW-E 84-14-050	392-138-025	AMD-P 84-10-070
392-127-280	NEW-E 84-14-050	392-127-570	NEW-P 84-14-054	392-138-025	AMD 84-13-025
392-127-280	NEW-P 84-14-054	392-127-575	NEW-E 84-14-050	392-138-030	AMD-P 84-10-070
392-127-285	NEW-E 84-14-050	392-127-575	NEW-P 84-14-054	392-138-030	AMD 84-13-025
392-127-285	NEW-P 84-14-054	392-127-600	NEW-E 84-14-050	392-138-035	AMD-P 84-10-070
392-127-290	NEW-E 84-14-050	392-127-600	NEW-P 84-14-054	392-138-035	AMD 84-13-025
392-127-290	NEW-P 84-14-054	392-127-605	NEW-E 84-14-050	392-138-047	NEW-P 84-10-070
392-127-295	NEW-E 84-14-050	392-127-605	NEW-P 84-14-054	392-138-047	NEW 84-13-025
392-127-295	NEW-P 84-14-054	392-127-610	NEW-E 84-14-050	392-138-050	AMD-P 84-10-070
392-127-296	NEW-E 84-14-050	392-127-610	NEW-P 84-14-054	392-138-050	AMD 84-13-025
392-127-296	NEW-P 84-14-054	392-127-615	NEW-E 84-14-050	392-138-071	NEW-P 84-10-070
392-127-300	NEW-E 84-14-050	392-127-615	NEW-P 84-14-054	392-138-071	NEW 84-13-025
392-127-300	NEW-P 84-14-054	392-127-620	NEW-E 84-14-050	392-138-075	AMD-P 84-10-070
392-127-305	NEW-E 84-14-050	392-127-620	NEW-P 84-14-054	392-138-075	AMD 84-13-025
392-127-305	NEW-P 84-14-054	392-127-625	NEW-E 84-14-050	392-138-100	NEW-P 84-10-070
392-127-310	NEW-E 84-14-050	392-127-625	NEW-P 84-14-054	392-138-100	NEW 84-13-025
392-127-310	NEW-P 84-14-054	392-127-630	NEW-E 84-14-050	392-139-001	AMD 84-05-017
392-127-315	NEW-E 84-14-050	392-127-630	NEW-P 84-14-054	392-140-010	REP-E 84-14-053
392-127-315	NEW-P 84-14-054	392-127-635	NEW-E 84-14-050	392-140-010	REP-P 84-14-057
392-127-325	NEW-E 84-14-050	392-127-635	NEW-P 84-14-054	392-140-011	REP-E 84-14-053
392-127-325	NEW-P 84-14-054	392-127-640	NEW-E 84-14-050	392-140-011	REP-P 84-14-057
392-127-335	NEW-E 84-14-050	392-127-640	NEW-P 84-14-054	392-140-012	REP-E 84-14-053
392-127-335	NEW-P 84-14-054	392-127-645	NEW-E 84-14-050	392-140-012	REP-P 84-14-057
392-127-340	NEW-E 84-14-050	392-127-645	NEW-P 84-14-054	392-140-013	REP-E 84-14-053
392-127-340	NEW-P 84-14-054	392-127-650	NEW-E 84-14-050	392-140-013	REP-P 84-14-057
392-127-345	NEW-E 84-14-050	392-127-650	NEW-P 84-14-054	392-140-014	REP-E 84-14-053
392-127-345	NEW-P 84-14-054	392-127-655	NEW-E 84-14-050	392-140-014	REP-P 84-14-057
392-127-350	NEW-E 84-14-050	392-127-655	NEW-P 84-14-054	392-140-015	REP-E 84-14-053
392-127-350	NEW-P 84-14-054	392-127-660	NEW-E 84-14-050	392-140-015	REP-P 84-14-057
392-127-355	NEW-E 84-14-050	392-127-660	NEW-P 84-14-054	392-140-016	REP-E 84-14-053
392-127-355	NEW-P 84-14-054	392-127-665	NEW-E 84-14-050	392-140-016	REP-P 84-14-057
392-127-360	NEW-E 84-14-050	392-127-665	NEW-P 84-14-054	392-140-017	REP-E 84-14-053
392-127-360	NEW-P 84-14-054	392-127-670	NEW-E 84-14-050	392-140-017	REP-P 84-14-057
392-127-365	NEW-E 84-14-050	392-127-670	NEW-P 84-14-054	392-140-018	REP-E 84-14-053
392-127-365	NEW-P 84-14-054	392-127-675	NEW-E 84-14-050	392-140-018	REP-P 84-14-057
392-127-370	NEW-E 84-14-050	392-127-675	NEW-P 84-14-054	392-140-019	REP-E 84-14-053
392-127-370	NEW-P 84-14-054	392-129	AMD-C 84-11-080	392-140-019	REP-P 84-14-057
392-127-375	NEW-E 84-14-050	392-129-013	NEW-P 84-10-068	392-140-020	REP-E 84-14-053
392-127-375	NEW-P 84-14-054	392-129-013	NEW 84-13-023	392-140-020	REP-P 84-14-057

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392-140-021	REP-P	84-14-057	392-162	NEW-C	84-11-084
392-140-022	REP-E	84-14-053	392-162	NEW-C.	84-13-016
392-140-022	REP-P	84-14-057	392-162	NEW-C	84-14-016
392-140-023	REP-E	84-14-053	392-162-005	NEW-P	84-10-073
392-140-023	REP-P	84-14-057	392-162-005	NEW	84-14-038
392-141	AMD-P	84-12-002	392-162-010	NEW-P	84-10-073
392-141	AMD	84-15-025	392-162-010	NEW	84-14-038
392-141-105	NEW-P	84-12-002	392-162-015	NEW-P	84-10-073
392-141-105	NEW	84-15-025	392-162-015	NEW	84-14-038
392-141-110	NEW-P	84-12-002	392-162-020	NEW-P	84-10-073
392-141-110	NEW	84-15-025	392-162-020	NEW	84-14-038
392-141-115	NEW-P	84-12-002	392-162-025	NEW-P	84-10-073
392-141-115	NEW	84-15-025	392-162-025	NEW	84-14-038
392-141-120	NEW-P	84-12-002	392-162-030	NEW-P	84-10-073
392-141-120	NEW	84-15-025	392-162-030	NEW	84-14-038
392-141-125	NEW-P	84-12-002	392-162-035	NEW-P	84-10-073
392-141-125	NEW	84-15-025	392-162-035	NEW	84-14-038
392-141-130	NEW-P	84-12-002	392-162-040	NEW-P	84-10-073
392-141-130	NEW	84-15-025	392-162-040	NEW	84-14-038
392-141-140	NEW-P	84-12-002	392-162-045	NEW-P	84-10-073
392-141-140	NEW	84-15-025	392-162-045	NEW	84-14-038
392-141-145	NEW-P	84-12-002	392-162-050	NEW-P	84-10-073
392-141-145	NEW	84-15-025	392-162-050	NEW	84-14-038
392-141-150	NEW-P	84-12-002	392-162-055	NEW-P	84-10-073
392-141-150	NEW	84-15-025	392-162-055	NEW	84-14-038
392-141-155	NEW-P	84-12-002	392-162-060	NEW-P	84-10-073
392-141-155	NEW	84-15-025	392-162-060	NEW	84-14-038
392-141-160	NEW-P	84-12-002	392-162-065	NEW-P	84-10-073
392-141-160	NEW	84-15-025	392-162-065	NEW	84-14-038
392-141-165	NEW-P	84-12-002	392-162-070	NEW-P	84-10-073
392-141-165	NEW	84-15-025	392-162-070	NEW	84-14-038
392-141-170	NEW-P	84-12-002	392-162-075	NEW-P	84-10-073
392-141-170	NEW	84-15-025	392-162-075	NEW	84-14-038
392-141-175	NEW-P	84-12-002	392-162-080	NEW-P	84-10-073
392-141-175	NEW	84-15-025	392-162-080	NEW	84-14-038
392-141-180	NEW-P	84-12-002	392-162-085	NEW-P	84-10-073
392-141-180	NEW	84-15-025	392-162-085	NEW	84-14-038
392-141-185	NEW-P	84-12-002	392-162-090	NEW-P	84-10-073
392-141-185	NEW	84-15-025	392-162-090	NEW	84-14-038
392-141-190	NEW-P	84-12-002	392-162-095	NEW-P	84-10-073
392-141-190	NEW	84-15-025	392-162-095	NEW	84-14-038
392-141-195	NEW-P	84-12-002	392-162-100	NEW-P	84-10-073
392-141-195	NEW	84-15-025	392-162-100	NEW	84-14-038
392-142	AMD-C	84-11-083	392-162-105	NEW-P	84-10-073
392-142-020	AMD-P	84-10-071	392-162-105	NEW	84-14-038
392-142-020	AMD	84-13-026	392-162-110	NEW-P	84-10-073
392-143-030	AMD	84-03-001	392-162-110	NEW	84-14-038
392-143-070	AMD	84-03-001	392-162-115	NEW-P	84-10-073
392-160	AMD-P	84-10-072	392-162-115	NEW	84-14-038
392-160	AMD-C	84-11-085	392-165	NEW-C	84-05-015
392-160	AMD	84-13-027	392-165	NEW-C	84-05-043
392-160-001	REP-P	84-10-072	392-165-100	NEW	84-06-019
392-160-001	REP	84-13-027	392-165-105	NEW	84-06-019
392-160-003	NEW-P	84-10-072	392-165-110	NEW	84-06-019
392-160-003	NEW	84-13-027	392-165-115	NEW	84-06-019
392-160-004	NEW-P	84-10-072	392-165-120	NEW	84-06-019
392-160-004	NEW	84-13-027	392-165-125	NEW	84-06-019
392-160-005	AMD-P	84-10-072	392-165-130	NEW	84-06-019
392-160-005	AMD	84-13-027	392-165-135	NEW	84-06-019
392-160-010	AMD-P	84-10-072	392-165-140	NEW	84-06-019
392-160-010	AMD	84-13-027	392-165-142	NEW	84-06-019
392-160-015	AMD-P	84-10-072	392-165-145	NEW	84-06-019
392-160-015	AMD	84-13-027	392-165-170	NEW	84-06-019
392-160-020	AMD-P	84-10-072	392-165-180	NEW	84-06-019
392-160-020	AMD	84-13-027	392-165-210	NEW	84-06-019
392-160-026	NEW-P	84-10-072	392-165-240	NEW	84-06-019
392-160-026	NEW	84-13-027	392-165-245	NEW	84-06-019
392-160-027	NEW-P	84-10-072	392-165-260	NEW	84-06-019
392-160-027	NEW	84-13-027	392-165-265	NEW	84-06-019
392-160-028	NEW-P	84-10-072	392-165-302	NEW	84-06-019
392-160-028	NEW	84-13-027	392-165-304	NEW	84-06-019
392-160-029	NEW-P	84-10-072	392-165-310	NEW	84-06-019
392-160-029	NEW	84-13-027	392-165-315	NEW	84-06-019
392-160-035	AMD-P	84-10-072	392-165-320	NEW	84-06-019
392-160-035	AMD	84-13-027	392-165-322	NEW	84-06-019
392-160-040	AMD-P	84-10-072	392-165-325	NEW	84-06-019

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392-171-366	AMD-E	84-13-031	419-14-085	NEW-E	84-03-044	
392-171-366	AMD	84-14-036	419-14-085	NEW-E	84-09-057	
392-171-381	AMD-P	84-10-075	419-14-085	NEW	84-09-058	
392-171-381	AMD	84-14-036	419-14-120	NEW-E	84-08-009	
392-171-382	NEW-P	84-10-075	419-14-120	NEW-P	84-09-055	
392-171-382	NEW	84-14-036	419-14-120	NEW	84-12-042	
392-171-383	NEW-P	84-10-075	434-20	REP-C	84-14-045	
392-171-383	NEW	84-14-036	434-20-010	REP-P	84-12-086	
392-171-384	NEW-P	84-10-075	434-20-020	REP-P	84-12-086	
392-171-384	NEW	84-14-036	434-20-030	REP-P	84-12-086	
392-171-386	AMD-P	84-10-075	434-20-040	REP-P	84-12-086	
392-171-386	AMD	84-14-036	434-20-050	REP-P	84-12-086	
392-171-391	AMD-P	84-10-075	434-24	AMD-C	84-14-045	
392-171-391	AMD	84-14-036	434-24-005	NEW-P	84-12-086	
392-171-401	AMD-P	84-10-075	434-24-010	AMD-P	84-12-086	
392-171-401	AMD	84-14-036	434-24-015	AMD-P	84-12-086	
392-171-406	AMD-P	84-03-013	434-24-020	AMD-P	84-12-086	
392-171-406	AMD-W	84-09-001	434-24-025	AMD-P	84-12-086	
392-171-406	AMD-P	84-10-075	434-24-030	AMD-P	84-12-086	
392-171-406	AMD	84-14-036	434-24-035	AMD-P	84-12-086	
392-171-411	AMD-P	84-03-013	434-24-040	AMD-P	84-12-086	
392-171-411	AMD-W	84-09-001	434-24-055	AMD-P	84-12-086	
392-171-411	AMD-P	84-10-075	434-24-057	NEW-P	84-12-086	
392-171-411	AMD	84-14-036	434-24-060	AMD-P	84-12-086	
392-171-412	NEW	84-14-036	434-24-070	AMD-P	84-12-086	
392-171-413	NEW-P	84-03-013	434-24-080	REP-P	84-12-086	
392-171-413	NEW-P	84-10-075	434-24-085	AMD-P	84-12-086	
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